



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fourth day of August Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.14966 of 2018

MAHENDRAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
(CRIME.NO.263/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MOHAMED RAFI Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent Police for the offences under Section 420 I.P.C. in Crime No.263 of 2018.

2.The case of the prosecution is that the petitioner and the *de facto* complainant are known to each other. The petitioner had told the *de facto* complainant that he has a special medicated copper vessel which costs Rs.10,00,000/- which gives health benefits. Believing the words of the petitioner, the *de facto* complainant had paid an advance amount of Rs.25,000/- and taken the vessel and he found that it was an original copper vessel. Therefore, he has given a complaint on the file of the respondent Police which has resulted in the registration of the First Information Report.

3.The learned counsel appearing for the petitioner would submit that the petitioner is involved in preparing eucalyptus balm and he supplied the balm through out Tamil Nadu. He also sells brass vessels which are antique pieces. However, the learned counsel appearing for the petitioner would further submit that no amount was paid by the *de facto* complainant.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the *de facto* complainant has been cheated Rs.25,000/- by the petitioner. The learned Additional Public Prosecutor would further submit that there are some previous cases pending against the petitioner.



5. In this case, it is seen that the petitioner and the *de facto* complainant are known to each other. The case of the *de facto* complainant is that he has paid a sum of Rs.25,000/-, believing the words of the petitioner that the brass vessel has a special medication effect. This Court does not find any ground for the petitioner being subjected to custodial interrogation.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kodaikanal, Dindigul District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police every Saturday at 10.30 a.m. until further orders. The petitioner is further directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.263 of 2018, on the file of the learned Judicial Magistrate, Kodaikanal, Dindigul District. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
24/08/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, KODAIKANAL,
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.MOHAMED RAFI Advocate SR.No.16232
PS/VR/SAR-4:31/08/2018:2P/6C

ORDER
IN
CRL OP(MD) No.14966 of 2018
Date :24/08/2018