



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22907 of 2018

1 R. PADMAVATHI ... 1st PETITIONER / 1st ACCUSED
2 M.K.G.RAJA ... 2nd PETITIONER / 2nd ACCUSED

Vs

THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE,
FORT (TRICHY CITY) POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.1238 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.ALAGURAM JOTHI, Advocate

For Respondent : MR.R.ANANDHA RAJ,
ADDITIONAL PUBLIC PROSECUTOR.

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 420 and 506(i) IPC in Cr.No.1238 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have received a sum of RS.15,000/- from the defacto complainant for arranging a place to set up a shop and have cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the alleged occurrence was taken place on 09.10.2018 and the complaint was lodged only on 21.12.2018. Further the defacto complainant had lodged a similar complaint before five other Police Stations and the petitioners have been called for enquiry by those respective Police Station. On the previous occasion, the defacto complainant was advised to approach the Civil Court. While so, this complaint has been lodged converting a civil dispute into that of a criminal in nature.



4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Considering the facts and circumstances of the case and the nature of complaint this Court is inclined to grant Anticipatory Bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Trichy and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a likesum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
TRICHY.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
FORT POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.ALAGURAM JOTHI Advocate SR.No.24070

ORDER
IN
CRL OP (MD) No.22907 of 2018
Date :27/12/2018

AMS/VR/S-3/04.01.2019/3P/6C