



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20784 of 2018

1 S.MOHAMMED KHALID

2 MUTHU KUMAR

... PETITIONERS / ACCUSED NO.4 AND 8

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, UNIT III,
O/O COMMISSIONER OF POLICE,
165, ALAGARKOIL MAIN ROAD, MADURAI.
IN CRIME NO. 14 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LAJAPATHI ROY Advocate

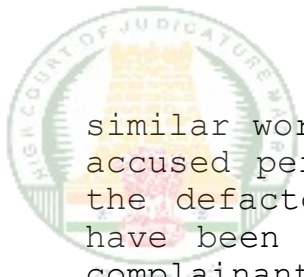
For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 403, 406, 408, 417, 420, 462, 477A of IPC in Cr.No.14 of 2018 seek anticipatory bail.

2.The petitioners are Engineers. They are known to A2 in connection with their profession. The second accused is the Proprietor of Enviro Care Engineering Solutions. The Enviro Care Engineering Solutions had a business understanding with Juvala Equipments Consultants. They had taken some work orders to the Chennai Corporation for fixing gasifiers in the Crematorium preferably at Velachery, Saidapet and Kasimedu. They doing business from the year 2014. During October 2014, the defacto complainant Thirumurugan of Juvala Equipments Consultants had a major heart ailment and he was hospitalised and immobilized. Taking advantage of the ill-health condition of the defacto complainant, the first accused is said to have using the letter pad of the defacto complainant by stating that the first accused is the sister concern of the defacto complainant had obtained several orders for the



similar work. Equipments of the defacto complainant were used by the accused persons, for which charges have not been paid. Thereafter the defacto complainant came to know that several lakhs of amount have been cheated by him apart from the materials of the defacto complainant.

WEB COPY

3.The contention of the petitioners is that the relationship of them with the second accused is only as Engineering Professionals since they all happened to be Engineers nothing more than that. These petitioners have no role in the dispute between the defacto complainant and the first and second accused. Further, they submitted that they had appeared before the respondent police on 10.11.2018 and 12.11.2018 and offered their explanation and submitted what are the documents they have. It is further submitted that the entire transaction taken place in Chennai. The works were carried out in Chennai. Except A1 having address in Madurai no other transaction had taken place at Madurai. It is further submitted that A2 is the owner of the Enviro Care Engineering Solutions have been granted anticipatory bail by this Court by order, dated 02.11.2018 in CrI.O.P.(MD).No.19890 of 2018 and further submitted that they are ready to co-operate with the investigation.

4.The learned Government Advocate (CrI. Side) submits that in the complaint the defacto complainant had described the petitioners as part of Enviro Care Engineering Solutions. In fact it is proprietary concern of A2 and these petitioners are no way connected with this firm. The learned Government Advocate further submits that the first petitioner had received Rs.3.5 lakhs from the first accused and the second petitioner Rs.45,000/- as it could be seen from the hand writing note of the first accused.

5.Considering the rival submissions, it is seen that the entire case is based on documents available on record and the offence is said to have been taken place from the year 2015 and the petitioners are very much available and they also appeared before the respondent and given their explanation. It is further seen that the complaint itself has been registered by the respondent on the directions of the Judicial Magistrate No.I, Madurai under Section 156 (3) of Cr.P.C. Considering the same, 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 thier appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Madurai, on condition that the petitioners shall execute 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 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 daily at 10.30 a.m. until further orders.

[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]**.

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

sd/-

26/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,
MADURAI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, UNIT III,
O/O COMMISSIONER OF POLICE,
165, ALAGARKOIL MAIN ROAD, MADURAI.

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

+2. CC to M/S.T.LAJAPATHI ROY Advocate SR.No. 22108 & 22156

ORDER

IN

CRL OP(MD) No.20784 of 2018

Date :26/11/2018

JM/VR MMS/SAR 1/27.11.2018/3P/7C