



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21243 of 2018

SANKARABALAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THILAGARTHIDAL POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.829 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406,420 and 506(i) of IPC in Cr.No.829 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was introduced to the defacto complainant by one Mohan and the said Mohan was running a business. On 25.02.2017 the petitioner contacted the defacto complainant through cell phone and asked a sum of Rs.2,00,000/-from the defacto complainant for the purpose of his uncle's daughter's marriage. On 01.03.2017 the defacto complainant gave a sum of Rs.2,00,000/- to the petitioner. After receiving the money the petitioner did not return the same to the defacto complainant. Thereafter the defacto complainant sent a complaint against the petitioner to the respondent police, since the respondent police did not take any action, the defacto complainant filed a case under Section 156(3) of Cr.P.C and after this a case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner did not receive any money from the defacto complainant and only on the instigation of the said Mohan the defacto complainant lodged the complaint against the petitioner.



4. The learned Government Advocate (Crl.Side) would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, 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 petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
20/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUB INSPECTOR OF POLICE,
THILAGARTHIDAL POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.M.MARAN Advocate SR.No.23795

PS/JC/SAR-1/26.12.2018/3P/6C

ORDER

IN

CRL OP (MD) No.21243 of 2018

Date :20/12/2018