



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.18023 of 2018

ISMAL KHAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.
(CRIME NO.32 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.GANDHI Advocate

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

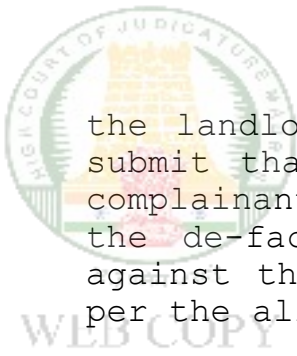
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506 (i) r/w. Section 34 of I.P.C., in Crime No.32 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and two others are the accused. The de-facto complainant is doing handcraft business in Kerala. In the year 2017, he had a partnership with the first accused to start a business in the name and style of 'Ah Madurai Bazaar LLP'. In order to establish a shop in Madurai, he took a building for lease at Door Nos.121, 122 and 123 in North Chithirai Street, Madurai and the first accused has paid a rental deposit of Rs.12,000,00/- to the landlord. The de-facto complainant has spent a sum of Rs.40,000,00/- for interior decoration. Thereafter, he found that the petitioner had entered into an agreement with the landlord by colluding with A1 and cheated the de-facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is nothing to do with the allegations as alleged by the de-facto complainant, since he directly approached



the landlord and entered into a lease agreement. He would further submit that already there is a complaint as against the de-facto complainant and his wife filed by A1, who is the original partner of the de-facto complainant. Therefore, he filed a false complaint against the petitioner and it is completely civil in nature and as per the allegation, he has to file a civil suit, if any grievance.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused cheated the de-facto complainant to the tune of Rs.40,000,00/- and he vehemently opposed the grant of anticipatory bail to the petitioner.

5. On perusal of the documents furnished by the petitioner, it is seen that a case has been registered as against the de-facto complainant and his wife on the file of the Mattancherry Police Station, Kerala and two cases lodged as against the de-facto complainant and his wife in the State of Rajasthan. Therefore, the de-facto complainant filed the false complaint and giving criminal colour for a civil dispute between the partners.

6. Taking note of the facts and circumstances, 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 No.I, Madurai 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 as and when required for interrogation. 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/-
09/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,
MADURAI.



3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.

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

+1. CC to M/S.R.GANDHI Advocate SR.No.19350

ORDER
IN
CRL OP(MD) No.18023 of 2018
Date :09/10/2018

JM/PN/SAR 2/11.10.2018/3P/6C