



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1346 of 2019

SOUNDARARAJAN

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
Crime No.431/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.P.T.RAMESH RAJA, Advocate for
Mr.S.SUKUMAR 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, 294(b) and 506(i) I.P.C., in Crime No.431 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, his wife and son, who are arrayed as A1, A2 and A3 respectively, joined together and conducted Deepavali Chit and they also formed a self help group and obtained loan in the name of the members of the self help group. They have collected money and diverted it for their own use and failed to repay the same thereby cheated several persons.

3.The learned counsel appearing for the petitioner submitted that admittedly, the petitioner is the husband of A2 and father of A3 and he did not have any active participation in the crime. He further submitted that there is no allegation against the petitioner. The de-facto complainant is a moneylender and she joined with one Balasubramanian, doing Katta Panchayat and in order to grab the property from the petitioner, a false case has been foisted against them. However, on instructions, the learned counsel for



the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.1,75,000/- to the credit of Crime No.431 of 2018 within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court and prayed for anticipatory bail.

4.The learned Government Advocate (Criminal side) submitted that if the petitioner deposits Rs.1,75,000/- within the time stipulated by this Court, anticipatory bail may be granted.

5.Considering the facts and circumstances of the case and also considering the above said submissions, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,75,000/- to the credit of Crime No.431 of 2018 within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court. Only on such deposit, the surety bond should be accepted;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
07/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.SUKUMAR Advocate SR.No.2626

ORDER
IN
CRL OP(MD) No.1346 of 2019
Date : 07/02/2019

TK/PN/SAR-2/12.02.2019/3P/6C