



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.1537 of 2019 AND 19093 of 2018

JEGATHISH @ JAGADISHAN

... PETITIONER / ACCUSED
IN CRL OP(MD) No.1537 of 2019

P.BACKIYARAJ

... PETITIONER/ACCUSED - 1
IN CRL OP(MD) No. 19093 of 2018

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.936 OF 2018)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.1537 of 2019

THE STATE REP. BY
THE SUB-INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.936 OF 2018)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No. 19093 of 2018

For Petitioner : MR.S.T.SASIDHARAN TAMILKANI Advocate
IN CRL OP(MD) No.1537 of 2019

MR.H.ELANGO, Advocate
IN CRL OP(MD) No. 19093 of 2018

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR
IN BOTH THE PETITIONS

For Intervener : MR.S.LAKSHMANAN, Advocate
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-
<https://hcservices.ecourts.gov.in/hcservices/>

The petitioners who are apprehending arrest at the hands of the



respondent police for the alleged offence under Sections 406, 420, 506(i) IPC in Cr.No.936 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant had sent plywoods in favour of A1, worth about Rs.4,19,284/- and thereafter A1 transferred the goods in favour of A2. However, due to some defect he returned the goods to the defacto complainant, worth about Rs.84,583/-. However, balance amount Rs.3,34,701/- was not paid by the accused persons. Hence, the complaint.

3.The learned counsel appearing for A1 agreed to deposit a sum of Rs.2,25,000/- in favour of the defacto complainant and the learned counsel for the A2 also agreed to deposit a sum of Rs.1,90,000/- in favour of the defacto complainant, within two weeks from the date of receipt of a copy of this order.

4.The learned counsel appearing for the intervenor agreed to the proposal given by the petitioners.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

6.Considering the facts and circumstances of the case and considering the fact that the petitioners gave undertaking that they will deposit the disputed amount in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, 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 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 in Crl.O.P.(MD)No.19093 of 2018, is directed to deposit a sum of Rs.2,25,000/- to the credit of Cr.No.936 of 2018 before the learned Judicial Magistrate No.II, Madurai, within a period of two weeks from the date of receipt of a copy of this order and the petitioner in Crl.O.P.(MD)No.1537 of 0219 is directed to deposit a sum of Rs.1,90,000/- to the credit of Cr.No.936 of 2018 before the learned Judicial Magistrate No.II, Madurai, within a period of two weeks from the date of receipt of a copy of this order and the learned Magistrate shall disburse the amount to the defacto complainant;

<https://hcservices.ecourts.gov.in/hcservices/>

(b)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 p.m., until further orders;

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

(e) the petitioners 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 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]**; and;

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

sd/-

14/02/2019

/ 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 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSEPCTOR OF POLICE
SELLUR POLICE STATION, MADURAI DISTRICT.

4 THE SUB-INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MAD RAS HIGH COURT, MADURAI

+1. CC to MR.S.T.SASIDHARAN TAMILKANI Advocate SR.No.3164

+1. CC to MR.H.ELANGO, Advocate SR.No.47578

ORDER

IN

CRL OP(MD) No.1537 of 2019 &
19093 of 2018

Date :14/02/2019