



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2552 of 2019

KARUPPASAMY

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO.49/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.MANIKANDAN Advocate

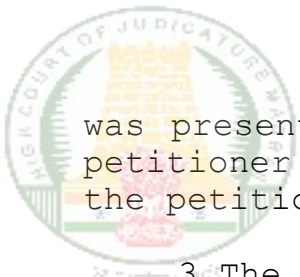
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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 offence under Sections 406, 420, 120(b) of IPC in Cr.No.49 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an Ex-Army Man was approached by A1 and his friends stating that they are running a Foundation and through that Foundation, the defacto complainant and his friends, who are interested, can participate in doing various social services by helping the poor and others. In the Foundation, one Thangavel, Jebarani, Palanichami, Jeyakodi, Karuppasamy and one Foreigner were introduced. The said Foreigner transfer funds from Foreign Countries running to several Crores. On receipt of the funds by the Trust, the Trust money would be transferred to the defacto complainant and he can use the same for his use work and for which they had to incur some expenditures. Therefore, the defacto complainant has paid a sum of Rs.50,00,000/-, through cash and bank account of one Thangavel / A2, in presence of other accused. Despite several months, no sign of any functioning of the Trust. Hence, the defacto complainant has approached this petitioner and asked for return on money. A1 said to have given a cheque of Indian Overseas Bank for Rs,25,00,000/-. When the cheque



was presented before the Bank, it was dishonoured. On enquiry, the petitioner came to know by the neighbours of the petitioner that the petitioner had cheated several persons. Hence, the complaint. .

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that co-accused in this case was granted bail by this Court.

5. Considering the facts and circumstances and considering the fact that there is no specific overt act against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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, Theni, 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 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, 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]**; and;

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

sd/-

19/02/2019

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TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1. CC to Mr.V.MANIKANDAN Advocate SR.No.3351

ORDER

IN

CRL OP(MD) No.2552 of 2019

Date :19/02/2019

MS/JC/SAR-3/22.02.2019/3P.6C