



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.260 of 2019

M.MARIMUTHU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
CCB, TRICHY.
(CRIME NO.53/2018)

... RESPONDENT / COMPLAINANT

THENAMUTHAN

... PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD).NO.1091 OF 2019 IN
CRL OP(MD).NO.260 OF 2019

For Petitioner : MR.T.LENIN KUMAR FOR
MR.E.C.RAMESH Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

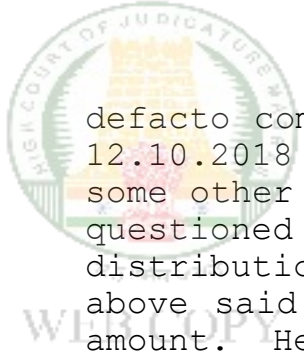
For Intervenor : MR.S.MAHENDRAPATHY, Advocate

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 and 420 IPC, in Cr.No.53 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is a film distributor of Trichy, Thanjavur and Pudukottai District. The petitioner herein is carrying business in the name and style of M/s.New RSM film Productions and they are going to distribute the film namely "Aan Devathai" and hence, the defacto complainant approached the petitioner and get theatre distribution rights for a sum of Rs.50,00,000/- and the defacto complainant paid a sum of Rs.14,25,000/-. However, the petitioner did not release the film as promised by the petitioner and the



defacto complainant came to know that the said film was released on 12.10.2018 and the petitioner's company name was not found there and some other company name was mentioned therein. When the complainant questioned the petitioner, he replied that the producer gave the distribution right to another company and hence, he will return the above said amount. However, the petitioner did not repay the said amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person.

4.The learned counsel appearing for the intervenor would submit that if the petitioner is ready to return the above said amount, the defacto complainant is agreed to close the complaint.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that investigation is pending.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.13,50,000/- to the Cr.No. 53 of 2018, before the learned Judicial Magistrate No.I, Trichy, within a period of three months from the date of receipt of a copy of this order and the learned Magistrate shall disburse the deposited amount to the defacto complainant. It is open to the petitioner to file an appropriate application before the concerned Magistrate for closing the complaint.

7.In view of the above, the Law Enforcing Agency shall take steps to close the complaint. 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 No.I, Trichy, 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 as and when required;

(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/-
20/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TRICHY.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
CCB, TRICHY,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.T.LENIN KUMAR, Advocate SR.No.3432

ORDER
IN
CRL OP(MD) No.260 of 2019
Date : 20/02/2019

AE/PN/SAR-II/06.03.2019/3P/6C