



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.300 of 2019

1 S.VAITHIYALINGAM @ VAITHILINGAM

2 V.SHIVA ... PETITIONERS / ACCUSED No. 1 and 2

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.668/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.SATHISKUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 I.P.C, in Crime No.668 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is doing wood business in the name of Janatha Timber Industries. On 09.02.2015, the petitioners have approached the defacto complainant and purchased the woods worth about Rs.15,78,710/-. Thereafter, they had paid only the part of amount to the tune of Rs.10,00,000/- and cheated the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the 1st petitioner being a father of the 2nd petitioner, other than this 1st petitioner has got no role in the business transaction. The 2nd petitioner had business transaction and making payments as per the business meets.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case and the also considering the fact that the dispute arose on account of



business transaction, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Tenkasi, 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 said Magistrate, on further condition that:

[a] the petitioners shall appear before the respondent police as and when required for interrogation.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
TENKASI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to MR.G.SATHISKUMAR Advocate SR.No.1246

ORDER IN

CRL OP(MD) No.300 of 2019

Date :23/01/2019