



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3033 of 2019

1 RENGAMMAL
2 GOVINDARAJ

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MANDAIYUR POLICE STATION,
MANDAIYUR, PUDUKKOTTAI DISTRICT.
Crime No.Not Known of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.VADIVELAN 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 petitioners apprehending arrest at the hands of the respondent police based on the NBW issued by the Metropolitan Magistrate 13th Court, Calcutta, for the offences punishable under Sections 406, 420 and 120(B) IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are availed loan from the L & T Finance Limited for purchasing tractor and thereafter failed to repay the same. Hence, the de-facto complainant has lodged a complaint against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners had given a loan from the de-facto complainant, the petitioners repaid the loan amount regularly. But the de-facto complainant lodged a false complaint against the petitioners.

4.Further, the learned counsel for the petitioners would submit that the petitioners are residing at the respondent territorial jurisdiction. Therefore, they apprehend arrest by the respondent police.

4.The learned Government Advocate (Crl.Side) would submit that the offence had taken place within the jurisdiction of Culcutta State and this Court has no territorial jurisdiction to grant



anticipatory bail. However, temporary anticipatory bail may be granted to enable the petitioners to move an appropriate petition before the territorial jurisdiction Court.

5.The learned counsel for the petitioners relied on two judgments reported in 2013(2) MWN (Cr.) 109 (Sarvadhikari v.State of Kerala) and 2007 (1) MLJ (Cr.) 729 (S.S.Sambandan V.Inspector of Police, Coimbatore City and another) and in the judgment of the Division Bench reported in 1992 L.W. (CrL.) 475 (S.P.Shanthi Swaroop Vs.State of Tamil Nadu), it is held as follows:

"For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 of Cr.P.C., to grant anticipatory bail irrespective of the locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited period and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioners available for interrogation by the concerned police in the mean time. The reference is answered accordingly."

6.In view of the judgment of the Division Bench referred to above and the orders passed by this court and considering the facts and circumstances of the case, without deciding the merits and demerits on the complaint, this Court is inclined to grant temporary anticipatory bail to the petitioners for a period of eight weeks to enable him to move an appropriate petition for anticipatory bail before the territorial jurisdiction Court. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Keeranur and on their executing 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-

27/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
KEERANUR.

2. THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MANDAIYUR POLICE STATION, MANDAIYUR,
PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr. T. VADIVELAN Advocate SR.No.4137

ORDER
IN
CRL OP (MD) No.3033 of 2019
Date : 27/02/2019

TK/PN/SAR-2/04.03.2019/3P/6C