



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.485 of 2019

1 THANGARAJ
2 MAHESWARAN

... PETITIONERS/ ACCUSED
A1 and A2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.470 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.M.PRABU 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, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 120(b), 420, 465 and 468 IPC, in Crime No.470 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant's husband were having some financial dealings for which the defacto complainant's husband had issued a cheque in favour of the second petitioner, which was not honoured and thereafter, the case under Section 138 of the Negotiable Instruments Act has been filed, which is pending in S.T.C.No.1422 of 2018 before the learned Judicial Magistrate No.I, Kovilpatti. On receipt of summons, the defacto complainant came to know that the cheque, which was given for lesser amount to the second petitioner, has been clandestinely used by both the petitioners by filing up the amount as Rs.8,00,000/- by the first petitioner, as the defacto complainant's husband had received a sum of Rs.8,00,000/- as loan. hence, he filed the above case.



3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent opposes to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions by learned counsel, 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 No.I, Kovilpatti, 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[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 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].

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

sd/-
18/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO I, KOVILPATTI.

2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.M.PRABU Advocate SR.No.918

ORDER
IN
CRL OP (MD) No.485 of 2019
Date :18/01/2019

TK/VR/SAR-4/22.01.2019/3P/6C