



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

Tuesday, the Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.516 of 2019

1 SOUNDARARAJAN,
2 DHANRAJ,

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
(CRIME.NO.4/2019)

... RESPONDENT / COMPLAINANT

MUTHURAMALINGAM

...DE-FACTO COMPLAINANT/INTERVENOR

For Petitioners : Mr.S.KARTHIK Advocate

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

For Intervener : Mr.N.R.P.AYYANAR, Advocate

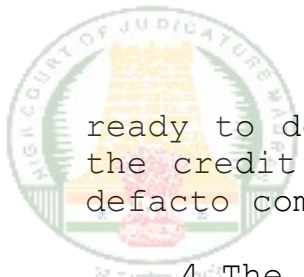
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 294 (b) and 506(i) of IPC in Cr.No.4 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant gave the amount of Rs.16 lakhs to one Saravanan and to the second petitioner herein through the first petitioner for obtaining a job in Chennai Fort Trust. But the said Saravanan and the second petitioner did not provide employment and not to return the money. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that due to previous enmity, this false case has been foisted against the petitioners and the petitioners did not commit any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to his right, the petitioners are



ready to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Cr.No.4 of 2019 and the same may be disbursed to the defacto complainant.

4.The learned counsel for the intervenor vehemently opposed for granting anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) would submit that the investigation is still pending.

6.Considering the facts and circumstances of this case, 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, Peraiyur, Madurai District, on condition that the petitioners 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Cr.No.4 of 2019. The learned Judicial Magistrate, Peraiyur, Madurai District is directed

to disburse the same to the defacto complainant after having verified the identity of the defacto complainant;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]**; and;

<https://hcservices.ecourts.gov.in/hcservices/>

(g)if the accused thereafter absconds, a fresh FIR can be



registered under Section 229-A IPC.

sd/-
05/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERAIYUR,
MADURAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.KARTHIK Advocate SR.No.45256
+1. CC to Mr.N.R.P.AYYANAR Advocate SR.No.2437

PS/JC/SAR-2/08.02.2019/3P/7C

ORDER
IN
CRL OP(MD) No.516 of 2019
Date :05/02/2019