



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5253 of 2019

M. CHANDRASEKARAN

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE,
THENI TOWN POLICE STATION, THENI.
(CRIME.NO.260 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.JEGANATHAN for Mr.VEERA ASSOCIATES 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 :-

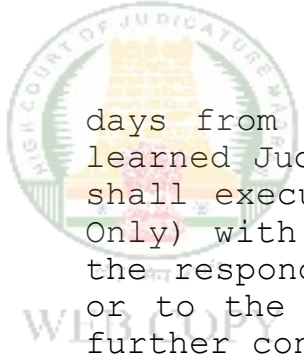
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of IPC in Cr.No.260 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that during an earlier occasion, the petitioner entered into a lease agreement with A2 by receiving a sum of Rs.14,00,000/-. After expiry of the lease agreement, the petitioner was not able to pay the said amount in favour of A2. Thereafter, the defacto complainant paid the entire amount of Rs.17,00,000/- to the petitioner through bank transactions. Thereafter, the petitioner has not executed the lease deed in favour of the defacto complainant for which the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he prayed for anticipatory bail.

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

5.Considering the facts and circumstances and considering the fact that there is no specific overtact against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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, Theni, 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 learned 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 for interrogation;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 THE CHIEF JUDICIAL MAGISTRATE, THENI.

3 THE INSPECTOR OF POLICE,
THENI TOWN P.S., THENI.

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

+1. CC to Mr.C.JEGANATHAN for M/S.VEERA ASSOCIATES Advocate

SR.No.6428

PS/VR/SAR-3/2P/6C/10.04.2019

ORDER

IN

CRL OP (MD) No.5253 of 2019

Date : 08/04/2019