



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

Friday, the Eighteenth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.538 of 2019

1 KARUMALAI
2 KALYANI
3 KANNAN
4 MUTHARASIRAGU

... PETITIONERS / ACCUSED 2 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.11/2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.ANBARASU, Advocate

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

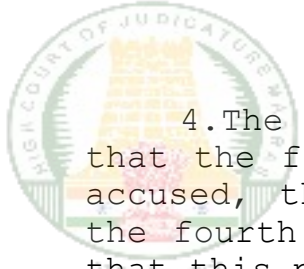
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 147, 341, 294(b), 506(i) of IPC in Cr.No.11 of 2019, seek anticipatory bail.

2. The learned counsel appearing for the petitioners would submit that the first and second petitioners are the parents of the first accused, third petitioner is the brother of the first accused and the fourth petitioner is the wife of the first accused.

3.The case of the prosecution is that the first petitioner had borrowed a sum of Rs.31,21,000/- from the defacto complainant during the period from 04.11.2016 to 03.08.2017 for development of A1's business. Sofar, A1 had repaid a sum of Rs.3,71,000/- and the balance amount yet to be repaid. This being the case, when the defacto complainant and his friend were walking on the road, the accused waylaid the defacto complainant.



4. The contention of the learned counsel for the petitioners is that the first and second petitioners are the parents of the first accused, third petitioner is the brother of the first accused and the fourth petitioner is the wife of the first accused, other than that this petitioners have nothing to do with the first accused.

5. According to the petitioners, the defacto complainant is known to the first accused, who introduced one Sethuramalingam to the defacto complainant and thereafter, the said Sethuramalingam and the defacto complainant had business transaction between them. Further, the said Sethuramalingam entered an agreement with the defacto complainant for their business concerned and the amount of Rs.31,21,000/- were transferred between them through the bank itself. At the time of occurrence, the third petitioner was working at his company namely BEML Limited at Karnataka State. The other petitioners, who are also residing at their residents. These petitioners were falsely implicated in this case.

6. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

7. 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, Rajapalayam 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 respondent police or the police officer who intends to arrest or 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 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

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

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE, NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.ANBARASU Advocate SR.No.965

ORDER
IN
CRL OP(MD) No.538 of 2019
Date :18/01/2019

MS/VR/SAR-4/22.01.2019/3P.6C