



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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5438 of 2019

A.R.NITHIYANANDHAM

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY,
(CRIME NO.12 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.SANTHAKUMARESAN, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervenor : MR.NIRANJAN S.KUMAR, Advocate

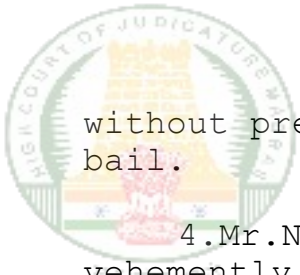
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 120 (B) ,417, 420 & 506 (ii) IPC in Cr.No.12 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is a land lord and he has entered into an agreement with the defacto complainant with regard to the construction of his residential house. The total amount agreed by the petitioner is Rs.1,49,88,000/-. But he has paid a sum of Rs.1,33,21,000/- to the defacto complainant. The balance amount is Rs.17,00,000/- was not paid by the petitioner. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would further submit that this is purely civil dispute. However, the petitioner is ready and willing to deposit a sum of Rs.5,00,000/-



without prejudice to his rights and prayed for granting anticipatory bail.

4.Mr.Niranjan S.Kumar, learned counsel for the intervenor vehemently opposed to grant anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that since the petitioner is come forward to deposit a sum of Rs.5,00,000/-, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner is come forward to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs Only) in order to show his *bona fideness and* without prejudice to his rights, 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, No.I, Madurai** 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 shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.12 of 2019, before the concerned Court, before executing bond. Upon receipt of such deposit, the learned learned Judicial Magistrate, No.I, Madurai, shall disburse the same directly to the defacto complainant.

(b)the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

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

(e)the petitioner 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 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
29/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
MADURAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to M/S.V.SANTHAKUMARESAN, Advocate SR.No.7751
+1. CC to M/S.NIRANJAN S.KUMAR, Advocate SR.No.7768

ORDER
IN
CRL OP(MD) No.5438 of 2019
Date : 29/04/2019

DSS
PK/MMS/SAR-1/03.05.2019 : 3P/7C