



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

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.69 of 2019

ANBALAGAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
Crime No. 5 of 2015

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.BALAMURUGAPANDI Advocate

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

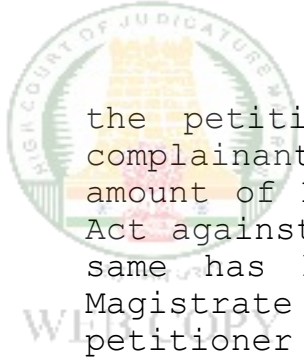
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 22.11.2018 for the offences punishable under Sections 120(B), 465, 468, 469 and 420 of IPC in Crime No.5 of 2015 on the file of the respondent police, seek bail.

2. There are totally six accused in this case. The petitioner herein is A1. The case of the prosecution is that the petitioner herein is said to have represented along with the second accused one Padmanabhan being a Chairman of All India Rail Safety Council had told that if money is paid to hem they would arrange to get permission from the Government for running college for railway safety. Believing the same he had made payment to the tune of Rs.53,00,000/- and he neither gave permission nor returned the money. Hence he has filed a compalint.

3. The learned counsel for the petitioner would submit that the petitioner is known to the defacto complainant as well as to the said Padmanabhan and he is not committed in the said transactions between them. The petitioner and the defacto complainant has business transactions from the year 2008 and on one such occasion



the petitioner herein has given a blank cheque to the defacto complainant, in which the defacto complainant has filled a liability amount of Rs.30,00,000/- and filed a case under section 138 of NI Act against the petitioner in STC No.2372 of 2015. Subsequently the same has been transferred to the file of the learned Judicial Magistrate No.I, Sivakasi. Thereafter legal notice was sent to the petitioner on 20.02.2015, as if the petitioner was involved in the said transactions

4. Heard the learned Government Advocate(Crl.Side) appearing for the respondent.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also the fact that there seems some business transactions between the petitioner and the defacto complainant , this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on their executing 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 learned Judicial Magistrate No.II, Virudhunagar District, and on further condition that:

[a] the petitioner shall report before respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT JAI, VIRUDHUNAGAR.

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

+1. CC to Mr.D.BALAMURUGAPANDI Advocate SR.No.259

ORDER
IN
CRL OP (MD) No.69 of 2019
Date : 07/01/2019

TK/VR/SAR-4/07.01.2019/3P/7C