



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

Date :20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.7468 of 2019

T.Vallimuthu

... Petitioner/Accused No.3

Vs

The State rep.by its,
The Inspector of Police,
Thruthangal Police Station,
Virudhunagar District.
Cr.No.105 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Dilip Kumar,
Advocate.

For Respondent : V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

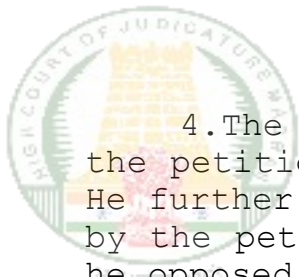
For anticipatory bail in cr.no.105 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the First Information Report, the defacto complainant gave a sum of Rs.2,13,500/- to the first accused and Rs.50,000/- to the second accused and Rs.98,500/- to the petitioner herein. He further submitted that the petitioner herein is the father of the first accused and he is a retired school teacher and he has not received any amount from the defacto complainant. He further submitted that the entire transaction is only in between A1 and the defacto complainant , since the petitioner herein happens to be father of the first accused, he has been falsely implicated in the above case. He further submitted that the defacto complainant has not produced any materials to show that he has paid amount to the petitioner. Hence, he prayed to grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner herein is the father of A1 and A2 is the wife of A1. He further submitted that a total sum of Rs.3,85,000/- was received by the petitioners and they have not repaid the said amount. Hence he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that the defacto complainant has not produced any document to show that he has paid any amount to the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Sivakasi 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a. for a period of three weeks as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
20/06/2019

/ TRUE COPY /



TO

1. JUDICIAL MAGISTRATE NO.I, SIVAKASAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.

3. THE INSPECTOR OF POLICE
THRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.10212

ORDER

IN

CRL OP (MD) No.7468 of 2019

Date : 20/06/2019

AAV

PK/PN/SAR-2/28.06.2019 : 3P/6C