



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

Monday, the Twenty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL.O.P.Nos.752 and 771 of 2019

1 S.MUNUSWAMY

2 MUTHU KANNIAPPAN

... PETITIONERS / ACCUSED A-4 & A5
IN CRL OP (MD) No.752/2019

K.GOVINDHASAMI

... PETITIONER/ ACCUSED NO.6
IN CRL OP (MD) No.771/2019

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.
CRIME NO.61/2010

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.752/2019

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI.
CRIME NO.61/2010

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.752/2019

For Petitioners : Mr.P.GANAPATHY SUBRAMANIAN, Advocate
IN CRL OP (MD) No.752/2019

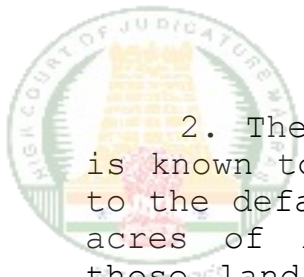
: Mr.J.SENTHIL KUMARAIAH, Advocate
IN CRL OP (MD) No.771/2019

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 306(11) I.P.C, in Crime No.61 of 2018, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant is known to the accused. A1 to A3 are said to have been represented to the defacto complainant that they know persons who are having 100 acres of land in Thiruthani Taluk, Nallatoor, Veeramangalam and those lands would be purchased for low price and the same may be developed. As per their representation, he had initially gave a sum of Rs.1,00,000/- (Rupees One Lakh only) and thereafter, on several occasions paid a sum of Rs.50,00,000/-(Rupees Fifty Lakhs only). Thereafter, several months have been passed, since no land have projected by A1, the Defacto complainant approached A1 to A3, for return of money, they refused. Thereafter, the defacto complainant had given a complaint against the accused.

3. The learned counsel for the petitioner would submit that no criminal offence has been made out against the petitioners. He would also submitted that a false case has been foisted against the petitioners.

4. The learned Government Advocate (Crl.Side) for the respondent submitted that the case has been forwarded under Section 156(3) to the learned Judicial Magistrate No.I, Madurai and based on which, the case has been registered and investigation is going on. Further it is submitted that A1 passed away, A2 and A3 were arrested and asfar as these petitioners are concerned, they are only land brokers.

5. Consideration the facts and circumstances of the case and also considering the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners.

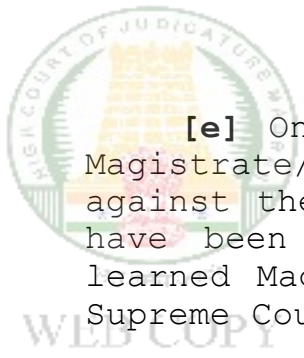
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai on condition that the petitioners shall execute a bond 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 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 are directed to appear before the respondent police daily at 10.30.am., for a period of one week, thereafter, 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 petitioner 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/-

21/01/2019

/ 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 DISTRICT.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.
4. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO Mr.P.GANAPATHY SUBRAMANIAN, Advocate, SR.No.985
+1CC TO Mr.J.SENTHIL KUMARAIAH, Advocate, Sr No.1048

ORDER

IN

CRL.O.P.Nos.752 and 771 of 2019

Date :21/01/2019

MS/VR/SAR-3/28.01.2019/3P.8C