

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7523 of 2019

1. Venkatesan
2. Seeniyammal
3. Parthasarathy

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Gandamanur Police Station,
Theni District.
(Crime No.108/2019)

... Respondent/Complainant

For Petitioners: Mr.C.Jeganathan, Advocate
for M/s.Veera Associates,

For Respondent : V.Neelakandan,
Additional Public Prosecutor,

For Intervenor : Mr.M.A.M.Raja, Advocate

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

PRAYER :-

For Anticipatory bail in Cr.No.108/2019 on the file of the respondent police.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 of IPC, in Crime No.108 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that the entire allegations against the petitioners are civil in nature and the petitioners in order to grab money and tarnish the image of the petitioners, the defacto complainant gave a false complaint

against the petitioners and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned counsel for the intervenor has submitted that the petitioners are the relatives of the defacto complainant and hence she handed over 15 Milch cattles and also her agricultural farm. After some days, the defacto complainant was shocked that the petitioners had not properly maintained the farm and also cheated a sum of Rs.4,99,720/-. If the petitioners are released on bail, since the younger brother of first petitioner is at Dubai, all the petitioners may leave India and hence, he strongly opposed the petition.

5.The learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant let out the farm and 15 cows to the petitioners during the month of January 2019 for maintenance and to sell the yield of the cow to the Dairy farms. He further submitted that the petitioners had misappropriated a sum of Rs.4,99,720/- and therefore, he opposed the petition.

6.Taking into consideration of the aforesaid fact and also the fact that the dispute is with regard to money transaction, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Andipatti, on condition that each of the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)the petitioners shall not leave India without prior permission from the trial Court.

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

(iii)the the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the the petitioners shall not abscond either during investigation or trial.

(vi) 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 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].

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

sd/-

21/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ANDIPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
GANDAMANUR POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.10292

+1CC TO Mr.M.A.M.RAJA, Advocate, Sr No.10359

ORDER

IN

CRL OP(MD) No.7523 of 2019

Date :21/06/2019

MS/VR/SAR-2/28.06.2019/3P.7C

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