



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 24/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7684 of 2019

1. Y.Shajah Khan,,
2. S.Jai Bunnisaa,,
3. Aissuar Jakana,, ... Petitioners/Accused **(*)A1,A2 and A4**
(*)Amended as per the order of Hon'ble Court
made in CRL OP(MD).NO.7684 of 2019 vide
order dated 24.06.2019 by PRMJ

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
(Cr.No.10/2019).

... Respondent/Complainant

G.A.M.Thandapani ... Petitioner/Defacto Complainant
in CRL MP(MD).NO.5168 of 2019 in
CRL OP(MD).NO.7684 of 2019

For Petitioner : MR.C.Jeganathan, Advocate for
M/s.Veera Associates,

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor,

For Intervenor : Mr.H.Velavadhas, Advocate

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

PRAYER :-

For Anticipatory bail in Cr.No.10/2019 on the file of the
respondent police.

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 120(B),
406, 420 and 506(i) of IPC in Crime No.10 of 2019, seek anticipatory
bail.



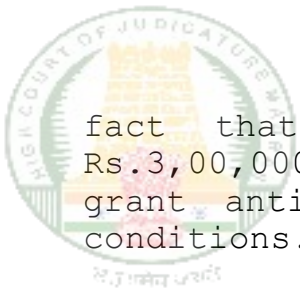
2.The learned counsel for the petitioners, the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that as per the FIR, the defacto complainant has paid amount only to the accused No.3, who is the son of the petitioners 1 & 2 and brother of petitioner No.3. He further submitted that one Mr.Gulam, Deputy Superintendent of Police, Andipatty, who is a close friend of the defacto complainant forced the petitioners 1 & 2 to execute a deed of undertaking and hence, they have executed the said document and in the said document, Mr.Gulam, the Deputy Superintendent of Police, Andipatti has also signed. The learned counsel for the petitioners has further submitted that even though the petitioners are denying the allegations against them, in order to show their bonafides, they are ready to deposit a sum of Rs.3,00,000/- (Rupees three lakhs only). Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervenor/defacto complainant submitted that the petitioners and defacto complainant are neighbours. The petitioners approached the defacto complainant by showing a Government Order, issued by the Education Department, dated 24.08.2015 and received a sum of Rs.70 lakhs on the pretext of conducting Aero Plane exhibitions in Schools. He further submitted that the third accused has also produced a Pilot License obtained from the Phillippines Government. At a later point of time only, the defacto complainant came to know that the alleged documents produced by the petitioners were all forged documents. When the defacto complainant demanded his money, the petitioners neither returned the same nor conducted Aero Plane exhibitions in schools. Hence, he strongly opposed this petition.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners, by creating forged documents, received a sum of Rs.70 lakhs from the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners, as investigation is pending.

6.In FIR, it is stated that the defacto complainant has paid a sum of Rs.70,00,000/- only to the Bank account of Accused No.3. The defacto complainant relied upon the undertaking deed said to have been executed by the petitioners 1 & 2 on 04.01.2018. According to the petitioners, the said document was obtained by one Mr.Gulam, Deputy Superintendent of Police, Andipatti, who is the close friend of the defacto complainant. In the said document Mr.Gulam, Deputy Superintendent of Police, Andipatti has signed by recording as before me. In the FIR, the defacto complainant has stated that the said document was executed before Mr.Gulam, Deputy Superintendent of Police, who is already known to him.

6.Taking into consideration of the aforesaid facts and also the



fact that the petitioners are ready to deposit a sum of Rs.3,00,000/- (Rupees three lakhs only), this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni District on condition that each of the petitioners 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:

[a] The petitioners shall jointly deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of Cr.No.10/2019 on the file of the Inspector of Police, District Crime Branch, Theni District;

[b] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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].

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

sd/-
24/06/2019

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TO

1 THE JUDICIAL MAGISTRATE,
THENI DISTRICT

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

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

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-10413[I] dated
25/06/2019)

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-10379[I] dated 25/06/2019)

ORDER

IN

CRL OP(MD) No.7684 of 2019

Date :24/06/2019

VS

AE/VR/SAR-III (03.07.2019) 4P 7C