



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

Date : 12/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7825 of 2019

Ponmozhi

... Petitioner/Sole Accused

Vs

State represented by,
The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
(Cr.No.62/2019).

... Respondent/Complainant

For Petitioner : M/s.A.Arul Jenifer, Advocate

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

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

PRAYER :-

For Anticipatory bail in Cr.No.62/2019 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., in Crime No. 62 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the defacto complainant has sold her land to one Kumaravadivel for Rs.5,00,000/- and the petitioner herein acted only as a document writer and in the said transaction, he is in no way connected. He further submitted that as per the FIR, the said Kumaravadivel had deposited the sale amount of Rs.5,00,000/- in the bank account of the defacto complainant and as per the instructions of the petitioner, the defacto complainant has withdrawn the said amount and paid Rs.2,00,000/- to the petitioner. He further submitted that actually, the petitioner has not received any amount and therefore, he prayed anticipatory bail to the petitioner.



4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the defacto complainant was in need of money and hence, the defacto complainant approached the petitioner herein for getting loan and at that time, the petitioner informed the defacto complainant that she will make arrangements for loan. He further submitted that as per the said instructions of the petitioner, the defacto complainant has executed a sale deed in favour of one Kumaravadivel and the said Kumaravadivel had deposited the amount of Rs.5,00,000/- in the bank account of the defacto complainant. He further submitted that the petitioner instructed the defacto complainant to pay Rs.2,00,000/- from the sale amount, and accordingly the defacto complainant also paid the amount of Rs.2,00,000/- to the petitioner. Subsequently, the petitioner refused to repay the said amount. Hence, he strongly opposed this petition.

5. Taking into consideration of the fact that except the oral allegation that the petitioner had received Rs.2,00,000/- from the defacto complainant, no other material is available, in this regard this Court is inclined to grant anticipatory bail to the petitioner.

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, Vedachandur, 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.m for a period of three weeks and thereafter, 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 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].



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

sd/-
12/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
 3. THE INSPECTOR OF POLICE
GUZILAMPARAI POLICE STATION,
DINDIGUL DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.ARUL JENIFER Advocate SR.No.9731

ORDER
IN
CRL OP(MD) No.7825 of 2019
Date :12/06/2019

DSS
PK/PN/SAR-1/18.06.2019 : 3P/6C