



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.7893 of 2019**

Vijayakumar,

... Petitioner/Accused No.4

Vs

State represented by  
The Inspector of Police,  
District Crime Branch,  
Virudhunagar District  
Crime No.2 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy,  
Advocate.

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

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

PRAYER :-

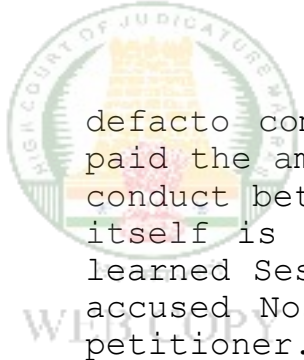
For Anticipatory Bail in Crime no.2/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC., in Crime No. 2 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, the accused No.1, 2 & 3 have placed an order for purchasing Dhal from the defacto complainant for Rs.29,56,000/- and as per their instructions, the defacto complainant sent Dhal to the petitioner. She further submitted that the petitioner has not placed any order directly with the defacto complainant. On the contrary, he placed orders only with the accused No.1 and the accused No.1 in turn placed orders with the



defacto complainant. She further submitted that the petitioner has paid the amount to the accused No.1 and since there is no previty of conduct between the petitioner and the defacto complainant, the case itself is not maintainable. She further submitted that already the learned Sessions Judge, Srivilliputhur, granted anticipatory bail to accused Nos.1, 2 & 3. Hence, she prayed anticipatory bail to the petitioner.

4.Per contra, the Additional Public Prosecutor appearing for the respondent has fairly conceded that only the accused Nos.1, 2 & 3 placed orders with the defacto complainant and as per their request only, the defacto complainant sent Dhal to the petitioner herein. Further he conceded that, already, the learned Sessions Court has granted anticipatory bail to the accused Nos.1, 2 & 3. However, he opposed this petition on the ground that the investigation is pending.

5.Taking into consideration of the fact that even as per the FIR, only the accused Nos.1, 2 & 3 placed orders with the defacto complainant and also the fact that the learned Sessions Judge, Srivilliputhur, has granted anti bail to the accused Nos.1,2 & 3, 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, No.II, Virudhunagar, 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:

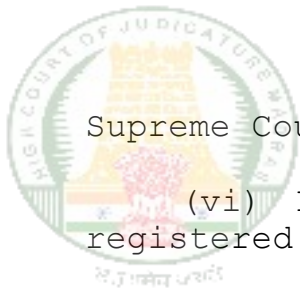
(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(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.

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

TO

- 1.The Judicial Magistrate No.II,  
Virudhunagar.
  - 2.Do-Through The Chief Judicial Magistrate,  
Viruthunagar District at Srivilliputhur.
  - 3.The Inspector of Police,,  
District Crime Branch,  
Virudhunagar District
  - 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.A.BANUMATHY, Advocate ( SR-9473[I] dated 12/06/2019 )

ORDER  
IN  
CRL OP(MD) No.7893 of 2019  
Date :12/06/2019

dss  
AE/JC/SAR-IV (18.06.2019) 3P 6c