



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Criminal Jurisdiction )

Date : 27/06/2019

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PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.8563 of 2019

1.A.Anantha Srinivasan  
2.A.Anantha Subramanian

... Petitioners/Accused's  
Rank Not Known

Vs

State Represented by  
The Inspector of Police,,  
District Crime Branch,  
Tuticorin District.  
Crime No.15 of 2019

... Respondent/Complainant

For Petitioners : M/s.J.Pandi Dorai,  
Advocate.

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

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

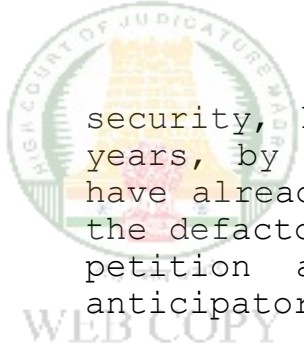
PRAYER :-

For Anticipatory Bail in Crime No. 15 of 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 406 and  
420 of IPC in Crime No.15 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has  
submitted that the petitioners are innocent and due to money  
transaction, they have been falsely implicated in this case. He  
further submitted that the three unfilled cheques given by the  
petitioners to the defacto complainant in the year 2013, as a



security, have been misused by the defacto complainant, after six years, by way of instituting this complaint. In this regard, they have already filed an Insolvency Petition even in the year 2014 and the defacto complainant has been arrayed as first respondent in that petition and it is pending. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have filed an insolvency petition, after getting amount from the defacto complainant. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that no previous case is pending against the petitioners.

4.Taking into consideration of the fact that it is an ordinary money transaction, also the fact that an insolvency petition has been filed by the petitioners herein and it is pending and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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.III, Tuticorin on condition that 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] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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.

[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 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].



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

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sd/-  
27/06/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate, No.III,  
Tuticorin.
- 2.The Chief Judicial Magistrate,  
Tuticorin District.
- 3.The Inspector of Police,,  
District Crime Branch,  
Tuticorin District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s. J.PANDI DORAI, Advocate ( SR-10651[I] dated 28/06/2019 )

ORDER  
IN  
CRL OP(MD) No.8563 of 2019  
Date : 27/06/2019

VS  
TK/PN/SAR.2/04.07.2019/3P/6C