



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 25/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8701 of 2019

1.Gunaseelan
2.Mercy Gunaseelan

... Petitioners/Accused
Nos.1 and 2

Vs

State of Tamil Nadu rep.by
The Sub Inspector of Police,
Manur Police Station,
Tirunelveli District.
Fir in Crime No.236/2019.

... Respondent/Complainant

For Petitioners : M/s.P.M.Vishnuvarthanan,
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.236 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 406,420 and 506(i) of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have submitted that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that even as per the First Information Report, the defacto complainant has transferred a sum of Rs.3,00,000/- to the account of the third



accused vide HDFC Bank account no.50100158838461 on 14.03.2018 and there is no specific allegation against the petitioners, since they happen to be the parents of the third accused, they have been implicated in the above case. Hence, he prayed to grant anticipatory bail to the petitioners.

WEB COPY

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that the defacto complainant has transferred a sum of Rs.3,00,000/- to the account of the third accused for getting job for his son in Abroad, thereafter neither the said amount was repaid nor job was secured. Hence he opposed anticipatory bail on the ground that investigation is still pending. However he fairly conceded that the said amount was transferred to the account of the third accused and not to the petitioners herein.

5.Taking into consideration the fact that there is no specific allegation levelled against the petitioners herein and also the fact that the said amount was transferred to the account of the third accused only , this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] 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 No.V, Tirunelveli on condition that 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:

[a] if the petitioners fails 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.

WEB COPY

/ TRUE COPY /

sd/-
25/06/2019

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

TO

1.The Judicial Magistrate No.V, Tirunelveli.

2.Do-Through The Chief Judicial Magistrate,
Thirunelveli District.

3.The Sub Inspector of Police,,
Manur Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.M.VISHNUVARATHANAN, Advocate (SR-10602[I] dated
27/06/2019)

ORDER
IN
CRL OP(MD) No.8701 of 2019
Date : 25/06/2019

aav

TK/PN/SAR.4/01.07.2019/3P/6C