



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

Wednesday, the Sixth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.21707 of 2018

and

CRL MP (MD) No.10585 of 2018

1 AYYAPPAN
2 M. BALAMURALI
3 B. HEMALATHA
4 A. SELVAKUMARI

... PETITIONERS/ACCUSED No.1 to 4

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI.
CRIME NO.1 OF 2016

... RESPONDENT/COMPLAINANT

S.RAJA SINGHAM

...PETITIONER/INTERVENER
IN CRL MP (MD) No.10585/2018

For Petitioners : MR.D.VIJAYARAGAVAN, Advocate

For Respondent : MR.S.CHANDRASEKARAN, Additional Public Prosecutor

For Intervener : MR.S.M.A.JINNAH, Advocate

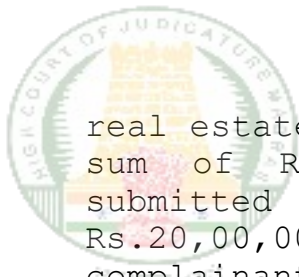
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 294(b) and 506(i) I.P.C. in Cr.No.1 of 2016 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners borrowed a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) from the defacto complainant for the purpose of business development. But the petitioners did not come forward to repay the said amount. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant were running



real estate business. For which, the defacto complainant invested a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only). He further submitted that the petitioners are ready to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) in favour of the defacto complainant for proving their *bonafide*.

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4. The learned counsel for the intervenor concedes the petitioner's request.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

6. Considering the facts and circumstances of the case and also considering the petitioners themselves come forward to deposit an amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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.1, Madurai, on condition that the petitioners 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

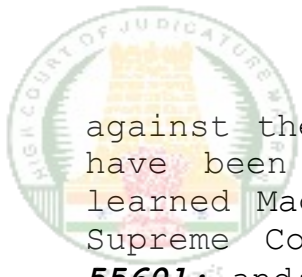
(b) the petitioners are directed to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.1 of 2016 within a period of three weeks from the date of receipt of a copy of this order, failing which the order passed by this Court shall vacated automatically. Since the defacto complainant died, the learned Magistrate shall disburse the said amount, in favour of the legal heirs of the defacto complainant, after perusing the legal heirs certificate;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 petitioner 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]**; and;

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

sd/-

06/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I. MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21707 of 2018

and

CRL MP(MD)No.10585 of 2018

Date :06/02/2019

RMK

PK/PN/SAR-1/13.02.2019 : 3P/5C