



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

Monday, the Twenty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21564 of 2018

1.K.S. VEERABATHRAN
2 VANAJA
3 MUTHU SIVASUBRAMANIYAN
4 BHUVANESHWARI @ PUVANESWARI
5 MURUGABOOPATHI
6 ULAGANATHAN

... PETITIONERS / ACCUSED NOS.1 TO 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
(IN CRIME NO. 446 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.SHANKAR GANESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

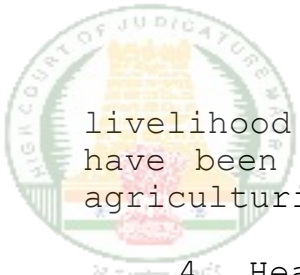
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC, in Cr.No.446 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had given a loan to the first petitioner to the tune of Rs.30,00,000/- and also executed a sale agreement on 08.06.2017. As per the sale agreement, the sale is to be completed within a period of three years and the total sale consideration is for Rs.34,00,000/-. The loan already availed by A1 has been given as a sale price of Rs.31,00,000/-. Admittedly, the sale agreement is still in force and the sale agreement period is for three years, which is yet to be completed.

3. The contention of the learned counsel for the petitioners is that the first petitioner has borrowed a loan only for the



livelihood of their family members and the entire family members have been falsely roped in this case and the petitioners are all agriculturist.

4. Heard the learned Government Advocate (Crl.side) appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

6. 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, Periyakulam 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.R.SHANKAR GANESH Advocate SR.No.981

ORDER

IN

CRL OP(MD) No.21564 of 2018

Date :21/01/2019

AE/PN/SAR1/23.01.2019/3P/6C