



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

Thursday, the Seventh day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21780 of 2018

M.RAJAMANICKAM

... PETITIONER / ACCUSED A-6

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
(CRIME NO.22/2018)

... RESPONDENT

S.RAMADOSS

...INTERVENING PETITIONER/DE-FACTO COMPLAINANT

For Petitioner : Mr.A.SENTHIL KUMAR Advocate

For Respondent : Mr.S.CHANDRASEKAR,Additional Public Prosecutor

For Intervener : Mr.T.VILLAVANKOTHA,Advocate

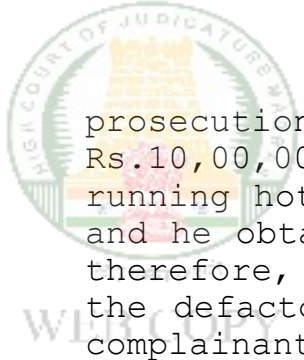
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 120-B and 506(ii) IPC in Cr.No.22 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Non Residential Indian and he employed as Chief Executive Officer in Global Technology Company, Kuwait. The first accused was introduced through the second accused to the defacto complainant as the first accused is running Ashramam in Sivagangai District. Hence, the defacto complainant gave a sum of Rs.4 crores to the first accused in order to construct Ashramam. However, the first accused did not run any Ashramam and he cheated the defacto complainant. After knowing the same, the defacto complainant demanded the said amount from the accused Nos.1 and 2, they were threatened the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the



prosecution. He further submitted that the petitioner gave a sum of Rs.10,00,000/- (Rupees Ten Lakh only) to the defacto complainant for running hotel in abroad. However, he did not make any arrangements and he obtained signature in the blank papers and assaulted him and therefore, the petitioner gave a complaint on 24.01.2018 as against the defacto complainant. He would further submit that the defacto complainant gave a false complaint in order to escape from the petitioner's complaint and hence, he would pray for anticipatory bail to the petitioner. However, he also submitted that the petitioner is ready to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.22 of 2018.

4. The learned counsel appearing for the intervenor vehemently opposed for granting of anticipatory bail to the petitioner and would submit that the petitioner is the informer for the other accused and he is the person to inform about the defacto complainant to the other accused and that the accused persons cheated the defacto complainant.

5. The learned Government Advocate (Crl.side), on instructions, would submit that investigation is pending.

6. Considering the facts and circumstances of the case and also considering the allegation, further the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.22 of 2018, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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.II, Sivagangai District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(b) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.22 of 2018 ;

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

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

<https://hcservices.ecourts.gov.in/hcservices/>

(e) the petitioner 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 petitioner 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;

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

sd/-

07/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.SENTHIL KUMAR Advocate SR.No.2637

PS/VR/SAR-4/19.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.21780 of 2018

Date :07/02/2019