



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

Date : 24/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7737 of 2019

1.S.Sundar @ Sundaram

2. Suresh

... Petitioners/Accused Nos.3 & 4

Vs

State rep.by,
The Inspector of Police,
District Crime Branch,
Sivagangai.
Cr.No.15 of 2019.

... Respondent/Complainant

For Petitioners: M/s.R.Rajaraman,
Advocate.

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

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

PRAYER :-

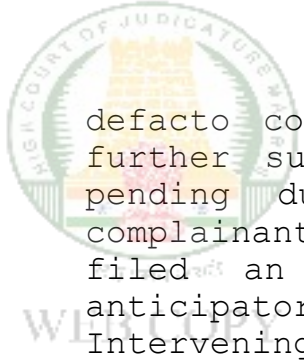
For anticipatory bail in cr.no.15 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120 (b) of IPC, in Crime No.15 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners were working as collecting agents of accused Nos.1 and 2. He further submitted that the petitioners as soon as collected the amount and deposited the said amount in the account of A1 & A2 and subsequently on the instructions issued by A1 & A2, the petitioners have transferred the amount, to the account of



defacto complainant, which were collected by the petitioners. He further submitted that on the date of complaint, no amount was pending due to be paid by the petitioners to the defacto complainant. He further submitted that the accused Nos.1 & 2 also filed an application in CrI.OP(MD)No.8191 of 2019 seeking anticipatory bail, in which, the defacto complainant has filed Intervening application in CrI.MP(MD)No.5868 of 2019 and in that petition, she has categorically admitted that the amount was paid only to the account of A1 & A2. He further submitted that since the petitioners have transferred the amount, which were collected by them, to the account of the defacto complainant, the defacto complainant has not filed any intervening application in this petition, and therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that these petitioners have collected huge amount of Rs.24,22,000/- from the defacto complainant and they have not repaid the said amount to the defacto complainant. He further submitted that all the accused have jointly collected more than Rs.1 Crore from various persons and subsequently, they did not return the said amount and cheated the said persons. The investigation is at initial stage and hence, he strongly opposed this petition.

5. Even though the defacto complainant has filed a petition in CrI.MP(MD)No.5868 of 2019 in CrI.OP(MD)No.8191 of 2019 seeking Intervening herself in the petition which was filed by the accused Nos.1 & 2, she has not chosen to file any such petition in this petition and that itself shows that she is not having any grievance against the petitioners herein. Further, a perusal of typed set of papers filed by the learned counsel for the petitioners, shows that the statements of account filed by the petitioners would show that they have transferred substantial amount to the account of the defacto complainant. Taking into consideration of all the aforesaid facts, this Court is inclined to grant of 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 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.2, Sivagangai District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



(ii) 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 before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
24/07/2019

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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.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.RAJARAMAN Advocate SR.No.12218

ORDER
IN
CRL OP(MD) No.7737 of 2019
Date :24/07/2019
(2/2)