



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

Date : 03/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.8874 of 2019

1. Vivakkar
2. Karpagam

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,,
Periakulam Police Station,
Theni District.
Crime No.217 of 2019.

... Respondent/Complainant

S.Srinivasan

....Intervene Petitioner/
Defacto Complainant
in CrI.M.P.(MD)NO.5920 OF 2019

For Petitioner : Mr.R.Anand, Advocate for
M/s.M.Saravanan, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (CrI.Side)

For Intervener: Mr.R.Rajaraman, Advocate

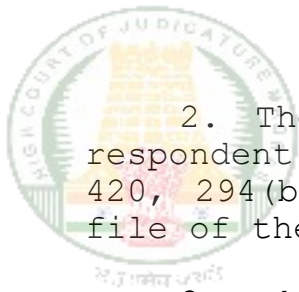
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.217 of 2019 on the file of
the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and and
the learned counsel appearing for the intervenor and the learned
Government Advocate(CrI. Side) appearing for the respondent.



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(1) of I.P.C., in Crime No.217 of 2019, on the file of the respondent police, seek anticipatory bail.

3. The defacto complainant is the retired Manager of the Central Co-operative Bank. He came across the advertisement issued by the petitioners herein and approached them for purchasing the property. He claims that on 20.03.2017, he paid a sum of Rs.12,00,000/- as advance. Later he came to know that the petitioners are not having the title over the said property. Therefore, he wanted the money back. He claims that the first petitioner has issued a cheque belonging to his mother-in-law and that the said cheque was presented and it was dishonoured as "insufficient funds".

4. This Court posed a specific question to the learned counsel appearing for the intervenor as to whether he was issued with any receipt for making the payment. Since, no such proof is forthcoming, I am of the view that the petitioners herein are entitled to anticipatory bail. Hence, anticipatory bail is granted to the petitioners herein with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Periyakulam, and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

5. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/09/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

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



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

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

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

+1 CC to M/s.M.SARAVANAN, Advocate (SR-14758[I] dated 04/09/2019)

ORDER

IN

CRL OP(MD) No.8874 of 2019

Date :03/09/2019

pmu

ES/PN/SAR 2/06.09.2019/3P/6C