



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2019

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD). No.8905 of 2019

A.Moorthy @ Manthiramoorthy

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli District.
in Crime No.11 of 2019

... Respondent/Complainant

For Petitioner : M/s.Prabhu Rajadurai, Advocate for
Mr.T.Leninkumar, Advocate

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11 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 Section 417, 418, 420, 465 and 468 IPC, in Crime No.11 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a private Company in the name and style of KC Dairy Products Private Limited, Vedsanthur, Dindigul. For business expansion, the defacto complainant approached A-1 (the petitioner) and A-3 Kalidass and they have promised the defacto complainant that they will arrange a loan for a sum of Rs.50 crores loan from A-2 Balasubramanian. Based on the said promise, on 24.01.2018, the defacto complainant had executed three promissory notes for a sum of Rs.50 lakhs at Alangulam Sub Registrar Office and transferred a sum



of Rs.50 lakhs from his bank account to A-2 bank account for registration expenses and also paid a sum of Rs.50 lakhs as cash for commission charges. Later, al the accused prolonged disbursal of the loan. On verification, the defacto complainant came to know that only one promissory note for a sum of Rs.10 lakhs was registered.

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3.The learned counsel for the petitioner has submitted that the petitioner has paid an amount of Rs.50,00,000/- to the defacto complainant. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner has paid an amount of Rs.50,00,000/- to the defacto complainant. Hence, anticipatory bail may be granted to the petitioner.

5.Taking into consideration of the fact that the petitioner has paid an amount of Rs.50,00,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Tirunelveli, on condition that the petitioner 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 petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner 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.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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/-

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

+1. CC to M/S. T. LENINKUMAR Advocate SR.No.11073

+1cc to M/S.VEERA ASSOCIATES, Advocate, Sr No.11269

ORDER

IN

CRL OP(MD) No.8905 of 2019

Date :04/07/2019

MS/PN/SAR-2/11.07.2019/3P.7C