



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.19108 of 2018

SANTHANAM

... PETITIONER / ACCUSED No. 1

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
(CRIME NO. 38 OF 2018)

... RESPONDENT / COMPLAINANT

JEMBULINGAM

... PETITIONER/INTERVNER
IN CRL MP(MD) No. 9365 of 2018
IN CRL OP(MD) No. 19108 of 2018

For Petitioner : MR.V.K.SARAVANAN, Advocate

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

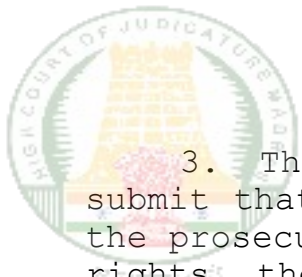
For Intervener : MR.S.POORNACHANDRAN, Advocate
IN CRL MP(MD) No. 9365 of 2018
IN CRL OP(MD) No. 19108 of 2018

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 465, 477, 294(b), 506(i) and 120-B IPC., in Crime No.38 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a gas agency in the name and style of Sathiyas Gas Agency, at Mannarpuram and he induced the defacto complainant to invest money to the credit of the said Gas Agency. Accordingly, the defacto complainant invested a total sum of Rs.97,00,000/-. Thereafter, the petitioner did not return the money for which defacto complainant lodged this complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that without prejudice his rights, the petitioner is ready to deposit Rs.12,00,000/- within a period of four weeks and prays for anticipatory bail.

4. The learned counsel for the intervenor/defacto complainant would submit that initially the defacto complainant lodged complaint before the respondent police which was given CSR number, but the same was not registered. Thereafter, the defacto complainant filed a petition under Section 156(3) Cr.P.C. in which the learned Magistrate gave a direction to the respondent police and thereafter only, the present case has been registered against the petitioner. He further prays that if the amount is deposited the intervenor/defacto complainant may be permitted to withdraw the same.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the submission that the petitioner has come forward to deposit Rs.12,00,000/- within a period of four weeks from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruchirappalli, 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 shall deposit Rs.12,00,000/- to the credit of Crime No.38 of 2018 before the Court below within a period of four weeks from the date of receipt of a copy of this order;

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

(c) the learned Magistrate shall accept the sureties only on receiving the receipt for the payment of Rs.12,00,000/- and on such deposit, the learned Magistrate shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(d) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;



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

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]**;

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

(i) if the accused failed to deposit the said amount within the above said period, this order shall automatically stands vacated.

sd/-

08/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II
TRICHIRAPPALLI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.K.SARAVANAN Advocate SR.No.2706

ORDER

IN

CRL OP(MD) No.19108 of 2018

Date :08/02/2019