



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22316 of 2018

S.R. JANARTHANAN @

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... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TRICHY CITY.
CRIME NO. 39 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

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

For Intervener : MR.K.M.KARUNAKARAN, 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 offences punishable under Sections 406 and 420 of IPC in Cr.No.39 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a chit and had transaction with the defacto complainant and the defacto complainant had not paid the amount. In view of the same mortgage was created. Pursuant to it sale deed have been executed. The defacto complainant's wife has filed a civil suit in O.S.No.1244 of 2013 before the District Munsif Court, Trichy, in which the entire transactions has been narrated. The prayer in the suit is with regard to the return of promissory note and Non judicial stamp papers and other negotiable instruments. This defacto complainant has filed a complaint under Section 156(3) of Cr.P.C.

3. The learned counsel for the petitioner would submit that the petitioner did not receive any money from the defacto complainant and he has been falsely implicated in this case.



4. The learned counsel for the intervenor would submit that 17 lakhs has been cheated by the petitioner herein. This amount being a cheated amount has to be repaid by the petitioner which is pending for more than seven years.

4. The learned Government Advocate(Crl.Side) would submit that investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the fact that civil case is given criminal colour, this Court 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, before the learned Judicial Magistrate No.I, Trichy 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO I
TRICHY

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT



3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TRICHY DISTRICT

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

+1. CC to MR.K.SIVABALAN Advocate SR.No.

ORDER
IN
CRL OP(MD) No.22316 of 2018
Date :03/01/2019

MSI/JC/SAR-IV/07.01.2019-3P/6C