



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.22530 of 2018

SUBRAMANIAN

... PETITIONER /1st ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
(CRIME NO. 20 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

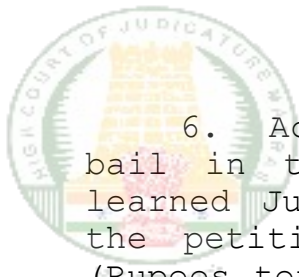
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 415 and 420 of I.P.C., in Crime No.20 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant lend a sum of Rs.6,00,000/- to the first accused, in which he repaid a sum of Rs.1,50,000/- only. Thereafter, he did not repay the balance amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and his father are arrayed as accused and they borrowed a sum of Rs.6,00,000/- from the de-facto complainant and they repaid the said amount. Therefore, a false complaint has been foisted against the petitioner.

4. It is seen from the above, it is only a loan transaction between the petitioner and the de-facto complainant and part of the amount has been repaid by the petitioner even according to the case of the prosecution. Therefore, it is purely civil in nature.

5. Taking into consideration the facts and circumstances of the case and the fact that a part of amount has been settled, 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.III, Thoothukudi 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 III
THOOTHUKUDI, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT

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

+1. CC to MR.C.SUSI KUMAR Advocate SR.No.96

ORDER IN

CRL OP(MD) No.22530 of 2018

Date :03/01/2019