



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) Nos.22834 of 2018 and 1112 of 2019

1.RAJESHWARI,

2 MINOR.DINESH,
S/O.RAJENDRAN

REP. BY ITS MOTHER AND NATURAL GUARDIAN
MRS.RAJESHWARI

... PETITIONER / ACCUSED Nos. 4 & 5
IN CRL OP (MD) .NO.22834 OF 2018

1.K.RAJENDRAN

2.MURUGAIAH

3.BOOPATHY

... PETITIONERS/ACCUSED NOS. 1 TO 3
IN CRL OP (MD) .NO.1112 of 2019

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT,
MADURAI.
(CRIME NO.41 OF 2018)

... RESPONDENT / COMPLAINANT
in BOTH PETITIONS

G.V.CHANDRASEKAR

... PETITIONER/INTERVENER
IN CRL MP (MD) .NO.43 of 2019 in
CRL OP (MD) .NO.22834 of 2018

For Petitioner : Mr.T.LAJAPATHI ROY Advocate
in both petitions

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (CrI. Side)
in both petitions

For Intervener : Mr.P.THILAKKUMAR, Advocate
IN CRL MP (MD) .NO.43 of 2019 in
CRL OP (MD) .NO.22834 of 2018



ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420, 120(b), 506(i) IPC in Crime No.41 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners assured that they will get a sum of Rupees 75 Crore loan amount in favour of the defacto complainant, for which, they collected processing fee of Rupees 1.5 crore. However, they neither secured the loan amount nor repaid the processing fee of Rupees 1.5 crore. Hence, the defacto complainant filed a complaint before the respondent police.

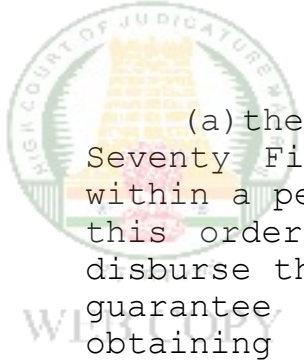
3.The learned counsel petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. Without going into the merits of the matter, the petitioners are ready to deposit a sum of Rs.75 Lakhs in Crime No.41 of 2018 on the file of the respondent police and the same may be disbursed to the defacto complainant after obtaining security by way of Bank Guarantee or title deed to the tune of Rs.75,00,000/- from the defacto complainant and also obtaining an affidavit of undertaking that in the event of the petitioners succeed in the case, the defacto complainant will abide by the decision in the case.

4.The learned counsel appearing for the intervenor concedes for the proposal submitted by the learned counsel appearing for the petitioners.

5.The learned counsel appearing for the petitioners further undertakes that the petitioners will return the documents collected for the purpose of securing loan amount of Rupees 75 Crores.

6.Heard the learned counsel appearing for the petitioners and the learned counsel for the intervenor and the learned Government Advocate (Crl.side).

7.Considering the facts and circumstances of the case and the fact that the petitioners have come forward to deposit a sum of Rs.75 Lakhs, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.I, Madurai, 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:



(a) the petitioners shall deposit a sum of Rs.75 Lakhs [Rupees Seventy Five Lakhs only] to the credit of Crime No.41 of 2018, within a period of three weeks from the date of receipt of a copy of this order and thereafter, the learned Magistrate is directed to disburse the amount to the defacto complainant, after obtaining bank guarantee or title deed to the tune of Rupees 75 lakhs and also obtaining an affidavit of undertaking that in the event of the petitioners succeed in the case, the defacto complainant will abide by decision in the said case.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain copies of their Aadhar cards or Bank pass Books to ensure their identity;

(c) the petitioners in CrI.O.P.(MD)No.22834 of 2018 [A4 and A5] shall report before the respondent police as and when required for interrogation; the petitioners in CrI.O.P.(MD)No.1112 of 2019 [A1 to A3] shall report before the respondent police daily at 10.30 a.m., for a period of two weeks thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/02/2019

/ TRUE COPY /

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

TO

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

1. THE JUDICIAL MAGISTRATE NO.1,
MADURAI.



2.DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT,
MADURAI.

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

+4. CC to MR.T.LAJAPATHI ROY Advocate SR.No.2679,2678,2722,2723
+2cc to MR.P.THILAKKUMAR, Advocate in SR.No. 2669,2670

ORDER
IN
CRL OP (MD) Nos.22834 of 2018 and 1112 of 2019
Date :07/02/2019

AE/VR/SAR3/12.02.2019/4P/11C