



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.22863 of 2018

M. BALAKRISHNAN

... PETITIONER / ACCUSED 1

Vs

THE STATE OF TAMIL NADU,
REP.BY, THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO. 58 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.PRABHU Advocate

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

For Intervener : MR.VIJAI BOOMINATHAN, Advocate

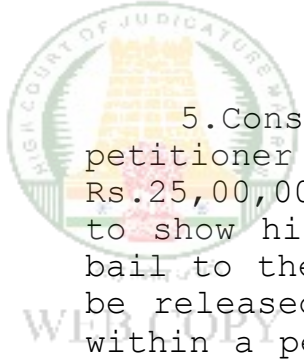
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 406, 420 of IPC 186 Act 1959 in Cr.No.58 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with others had borrowed a sum of Rs.1,18,00,000/- from the defacto complainant for the purpose of installation of dairy farm,for which the defacto complainant filed a complaint before the respondent police.

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

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution The learned counsel would further submit that the petitioner is ready and willing to deposit a sum of Rs.25,00,000/- without prejudice to his defence before the respondent bank and prayed for granting anticipatory bail.



5. Considering the facts and circumstances of the case and the petitioner has come forward to deposit the said a sum of Rs.25,00,000/- to without prejudice to his rights and contentions to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **six weeks** from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni 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 the sum of Rs.25,00,000/- before the respondent bank within a period of six weeks from the date of receipt of a copy of this order without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties.

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

(c) the petitioner shall report before the respondent police as and when required for interrogation

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

(e) the petitioner 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 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]**; and;

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

sd/-

27/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
THENI

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT

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

+1. CC to Mr.K.PRABHU Advocate SR.No.3893

ORDER

IN

CRL OP(MD) No.22863 of 2018

Date :27/02/2019

MSI/JC/SAR 2/13.03.2019/3P-6C