



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.21096 of 2018

S. SIVAKUMAR

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE: REP BY,
THE INSPECTOR OF POLICE
K. PUDUR POLICE STATION,
MADURAI CITY,
CRIME NO.46 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.MANIVELPANDIAN, Advocate for
T.A.EBENEZER Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.PALA RAMASAMY, Advocate

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

ORDER : The Court Made the following order :-

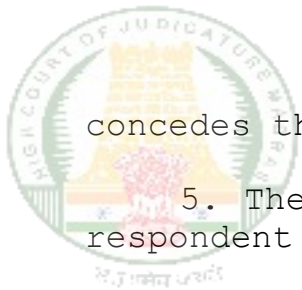
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 408, 417, 418 and 420 IPC., in Crime No.46 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant/Manager of the Karur Vysia Bank, Mattuthavani Branch made a complaint alleging that the petitioner and other accused have pledged the imitated jewels and obtained loan amount of Rs.13,60,000/- in which he repaid only Rs.4,50,000/-. The balance amount of Rs.9,10,000/- was not paid so far. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit Rs.9,10,000/- within one week and prays for anticipatory bail.

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

4. The learned counsel appearing for the intervenor would also



concedes the submission of the learned counsel for the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent State 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 the said amount within a period of one week from the date of receipt of a copy of this order, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VII, Madurai, 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.9,10,000/- to the defacto complainant/Bank directly, within a period of one week from the date of receipt of a copy of this order and thereafter, proof of receipt may be filed at the time of furnishing sureties;

(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 the receipt of proof receipt for Rs.9,10,000/-;

(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 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;

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

sd/-

08/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO VII
MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
K. PUDUR POLICE STATION,
MADURAI CITY,

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

COPY TO:- THE MANAGER,
KARUR VYSIA BANK,
MATTUTHAVANI BRANCH
MADURAI.

+1. CC to MR.T.A.EBENEZER Advocate SR.No.2807
+1. CC to MR.PALARAMASAMY, Advocate SR.No.2717

ORDER
IN
CRL OP (MD) No.21096 of 2018
Date :08/02/2019

MSI/VR/SAR-III/02.2019-3P/8C