



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

Friday, the Eighth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.15382 and 15383 of 2018

BALAMURUGAN

... PETITIONER / ACCUSED NO.2
IN CRL OP(MD)NO.15382/2018

BALAGURU

... PETITIONER / ACCUSED NO.1
IN CRL OP(MD)NO.15383/2018

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
DCB POLICE STATION,
MADURAI DISTRICT.
(IN CRIME.NO.18/2018)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

GNANAMUTHU JEYAKUMAR

...INTERVENER/PROPOSED/RESPONDENT/DE-FACTO COMPLAINANT

For Petitioner : Mr.P.GOKULNAATH Advocate
(IN CRL OP(MD)NO.15382/2018)

For Petitioner : Mr.R.RAJAMOCHAN Advocate
(IN CRL OP(MD)NO.15383/2018)

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)(IN BOTH PETITIONS)

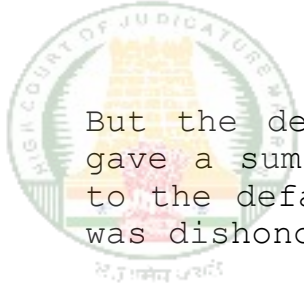
For Intervener : Mr.S.DEVASAGAYAM,Advocate
(IN CRL OP(MD)NO.15382/2018)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 IPC in Cr.No.18 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased a residential property in the year 2004. When he went to the premises in the year 2012 to get a encumbrance certificate, came to know that the property of the defacto complainant was sold to other persons. Hence, the accused persons offered some other plot.



But the defacto complainant demanded money and hence, the accused gave a sum of Rs.4,00,000/- as cash and a cheque for Rs.5,00,000/- to the defacto complainant. Since the cheque issued by the accused was dishonoured, the present complaint has been made.

3.The learned counsel for the petitioners would submit that the petitioners have not done anything as alleged by the prosecution. He would submit that the parties have compromised the matter and they were ready to settle the issue. Accordingly, the petitioners gave a sum of Rs.4,00,000/- in cash and a cheque for a sum of Rs.5,00,000/- to the defacto complainant. While so the present complaint has been filed.

4.The learned Government Advocate (Crl.Side) would submit that as per the direction of the Court below the respondent police registered the case and in investigation is in progress and the final report will be filed before the competent forum.

5.Considering the facts and circumstances of the case and the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate 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 condition that:

(a)the petitioners in 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;

(b)the petitioners shall report before the learned Judicial Magistrate concerned as and when required for interrogation;

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

(d)the petitioners 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 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**



55601; and;

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

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sd/-
08/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.RAJAMOHAN Advocate SR.No.2785

PS/JC/SAR-1/15.02.2019/3P/6C

ORDER

IN

CRL OP(MD) Nos.15382 and 15383 of 2018

Date :08/02/2019