



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.16094 of 2018

1 S.DURAI

2 KANTHA

... PETITIONERS/(**)A1 & A2

Vs

THE INSPECTOR OF POLICE(CRIME),
SATTUR TOWN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT
(*)IN CR NO.555 OF 2018

... RESPONDENT / COMPLAINANT

(*)(**)Amended as per order of the Hon'ble Court made
in Crl.MP(MD)No.9873/18 vide order dated 30.11.2018 by MNKJ)

For Petitioners : MR.C.M.ARUMUGAM, Advocate

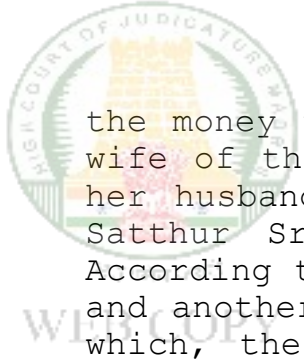
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A-1 and A-2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.555 of 2018, seek anticipatory bail.

2. According to the petitioners, the first petitioner is one of the Directors of Satthur Sri Ganga Chit Company, Virudhunagar District. The second petitioner is his wife. During the course of business, the defacto complainant had borrowed money from his relatives and several others and handed over it to one Jeganathan (earlier Director of Satthur Sri Ganga Chit Company) in the presence of the present petitioner viz., Durai on various occasions, totalling a sum of Rs.54,00,000/-. Since he was unable to run his business, the said Jeganathan had consumed poison and ended his life. After the death of the said Jeganathan, the first petitioner is in-charge of the said Satthur Sri Ganga Chit Company. But there is no proof on the side of the defacto complainant for handing over



the money to the said Jeganathan. The second petitioner being the wife of the first petitioner is also responsible in discharging of her husband's liability, though she is not a Director in the said Sathur Sri Ganga Chit Company is also arrayed as an accused. According to them, both the cheques (I.e one cheque for Rs.15,00,000 and another cheque for Rs.24,00,000/-) were returned personally, for which, the defacto complainant has already initiated a proceeding under Section 138 of the Negotiable Instruments Act and proceeded against the second petitioner, initially, when the business was running smoothly.

3.The petitioners further submits that the defacto complainant had made a deposit of Rs.1,60,000/- on two installments to the chit, which was also repaid. Other than that there was no other transaction between the defacto complainant and petitioners. Admittedly, Sathur Sri Ganga Chit Company is a registered Chit under the Companies Act.

4.Heard the learned Government Advocate (Crl.Side), who, on instructions, would submit the petitioner is one of the Directors of the Sathur Sri Ganga Chit Company, Virudhunagar District and the first petitioner has already initiated a civil proceedings against the defacto complainant in O.S.No.31 of 2017 and investigation is in progress.

5.Considering the business transaction between the first petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Sattur, Virudhunagar District on condition that the petitioners shall each 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 learned Magistrate concerned and on further condition that;

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent Police daily at 10.00 a.m until further orders; the second petitioner shall report before the respondent police 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.

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[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 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SATTUR, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT
- 3 THE INSPECTOR OF POLICE (CRIME),
SATTUR TOWN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.C.M.ARUMUGAM, Advocate, SR.No.829

ORDER
IN
CRL OP(MD) No.16094 of 2018
Date :11/01/2019

PK/PN/SAR-3/24.01.2018 : 3P/6C