



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

Friday, the Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15919 of 2018

RAJESHKANNA

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY CITY.
(CRIME NO.614 OF 2018)

... RESPONDENT / COMPLAINANT

GNANAVADIVU

...INTERVENER/DEFACTO COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK Advocate

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

For Intervener : Mr.N.R.MURUGESAN,Advocate

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 420 and 506(i) IPC., in Crime No.614 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running an agency in the name and style of V3 Enterprises, in which he purchased water purifying machine in wholesale basis and then distributed to the Sub Agency. A3, who is the owner of the said business, requested the defacto complainant to invest in the said business and he will get incentive. Accordingly, the defacto complainant invested Rs.16,00,000/- to the said business, for which the accused persons have paid the incentive amount till 22.03.2014. Thereafter, they have neither paid the incentive amount nor paid the principal amount as agreed. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that initially the matter was referred to the Mediation and Conciliation Centre attached to this Bench and a compromise was



arrived at between them. Now, the petitioner/A2 is ready to deposit Rs.10,00,000/- and prays for anticipatory bail.

4. The learned counsel for the intervenor/defacto complainant would submit that if the petitioner/A2 deposits Rs.10,00,000/- within a period of four weeks, after receiving the said amount, the defacto complainant shall withdraw the complaint against this petitioner/A2 alone.

5. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit Rs.10,00,000/- within a period of four weeks from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioner alone. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tiruchirappalli, 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.10,00,000/- to the credit of Crime No.614 of 2018 before the Court below within a period of four weeks, i.e., Rs.5,00,000/- within two weeks from the date of receipt of a copy of this order; and he shall pay Rs.5,00,000/- within two weeks thereafter, failing which this order shall stand dismissed automatically;

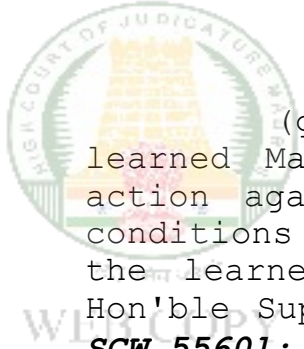
(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the learned Magistrate shall accept the sureties only on receiving the receipt for the payment of Rs.10,00,000/- and on such deposit, the learned Magistrate shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(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 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]**;

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

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-IV,
TIRUCHIRAPPALLI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION, TRICHY CITY.
- 4 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.2764

+1. CC to Mr.N.S.MURUGESAN Advocate SR.No.2738

PS/PN/SAR-4/18.02.2019/3P/7C

ORDER
IN
CRL OP(MD) No.15919 of 2018
Date :08/02/2019