



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.17593 of 2018

GOBALAKRISHNAN @ GOPALAKRISHNAN ... PETITIONER / 3rd ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
VIRUDHUNAGAR DISTRICT
IN CR NO.2 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.SENTHIL KUMARAIAH Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406 and 420 IPC in Cr.No.2 of 2017 and seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is supplying Firewood to the small industries in contract basis. One Selvaraj (A4) has introduced one Ayyappan (A2) and later both of them has introduced the petitioner herein and told to the defacto complainant that one Durairajasekar (A1) has owned 1110 Tamarind in his patta land at Rajapalayam and he was planned to dispose of those trees at good price. On 10.01.2015 the defacto complainant along with her family members went to visit the said spot, at that time one Dinakaran (A5) along with one Murugan visited the said property. At that time, they told that they would get cutting order in the name of the defacto complainant and agreeing for the same, the defacto complainant had paid a sum of Rs.10,00,000/- on four occasions for obtaining cutting order. This petitioner was paid for a sum of Rs.50,000/-. But the cutting order was not obtained and the first accused was received a sum of Rs.1,00,000/- and other accused had obtained commissions. But they neither got cutting order nor paid the amount.



3.The learned counsel for the petitioner would submit that the petitioner is the practicing Advocate. He had only given legal advice for which the defacto complainant has given a sum of Rs.50,000/- for his professional charge and he had not received any commission.

4.The learned Government Advocate (Crl.Side) opposes to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and the submissions made by learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6.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.II, Virudhunagar 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 said Magistrate, on further condition that:

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

[b] the petitioner shall report before the learned Judicial Magistrate No.II, Virudhunagar as and when required for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

sd/-

02/01/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT

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

+1. CC to MR.J.SENTHIL KUMARAI AH Advocate SR.No.37

ORDER
IN
CRL OP(MD) No.17593 of 2018
Date :02/01/2019

MSI/JC/SAR-IV/07.01.2019-3P/6C