



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/09/2019
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12490 of 2019

1.R.Nandagopal

2.R.Balaji

... Petitioners/Accused 1 & 2

Vs

State Represented by,
Inspector of Police,
Tallakulam Police Station,
Madurai City,
Madurai, Madurai District
(Crime No.1076 of 2019).

... Respondent/Complainant

S.Sowmiya

...Petitioner/Intervener
in Crl.M.P(MD)No.7858 of 2019

For Petitioners : M/s.Porkodi Karnan
For M/s.Polax Legal Solutions,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.B.Chandramohan, Advocate

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

PRAYER :-

for Anticipatory Bail in Crime No.1076 of 2019 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners,
learned counsel appearing for the defacto complainant and also the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
406, 420 and 506(1) of I.P.C., in Crime No.1076 of 2019, on the file
of the respondent police, seek anticipatory bail.

<https://hccvictor.courts.mys.in/case/12490>



3. According to the defacto complainant, a sum of Rs.12,36,000/- was paid to the petitioners herein. According to her, she received only a sum of Rs.5,00,000/-. Without prejudice to the petitioners contentions, the petitioners come forward to deposit a sum of Rs.5,00,000/-. The petitioners however want reasonable time to be given to them. However, the petitioners insisted that A3, who has been unnecessarily implicated, should be deleted from the array of parties.

4. The learned counsel appearing for the defacto complainant submitted that if the petitioners are paid a sum of Rs.5,00,000/- without any condition attached, the defacto complainant would not pursue her case against A3.

5. Taking note of the submission made on either side, I am inclined to grant anticipatory bail to the petitioners herein subject to the following condition:-

(i) The petitioners shall take a demand draft for a sum of Rs.2,00,000/- in favour of the de-facto complainant S.Sowmiya and handed over to her on or before 14.10.2019. A further sum of Rs.3,00,000/- will be paid on or before 20.03.2020.

(ii) The respondent police is directed to delete A3 from the array of parties. Contest will be only between the prosecution on the one side and the remaining accused on the other side.

6. Subject to the above said condition, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Madurai, and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
09/09/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI, MADURAI DISTRICT

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

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate
(SR-15121[I] dated 09/09/2019)

ORDER
IN
CRL OP(MD) No.12490 of 2019
Date :09/09/2019

SJI
ES/PN/SAR 2/17.09.2019/3P/6C