



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

Date : 19/09/2019

PRESENT

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

CRL OP(MD) . No.13031 of 2019

1. Ganesh Babu @ Thennavan,
2. Prema ... Petitioners/Accused No.2 & 3

Vs

State rep.by,
The Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai District.
(Crime No. 492 of 2018). ... Respondent/Complainant

For Petitioners : M/s. M. Murugesan, Advocate.

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

For Intervenor : Mr.AL.Kannan, Advocate

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

PRAYER :-

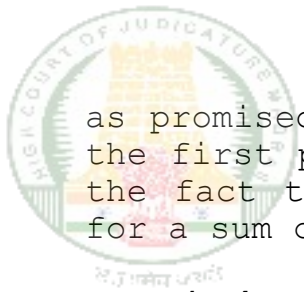
For Anticipatory Bail in Crime No. 492 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and 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 406, 420, 294(b) and 506(i) of I.P.C., in Crime No.492 of 2018 on the file of the respondent police, seek anticipatory bail.

3. The defacto complainant was induced to part with certain sum of money on the promise that medical seat will be arranged for the son of defacto complainant. The medical seat could not be arranged



as promised. Therefore, A1 was arrested and enlarged on bail. That the first petitioner does have a role in the matter is evident from the fact that he had issued a cheque in favour of the complainant for a sum of Rs.2,00,000/-. The said cheque was dishonored.

4.The learned counsel appearing for the intervenor further points out that the petitioners herein filed Cr.M.P.No.4514 of 2018 before the Principal Sessions Court, Madurai and that the same was dismissed on 22.06.2019 on the ground that the first petitioner did not act in terms of the undertaking given by him before the Mediation Centre.

5. In this original petition, no mention has been made about the filing and dismissal of the said petition by the Sessions Court. Thus, the petitioners have approached this Court with unclean hands. Even though the petition deserves to be disposed of in toto, I am inclined to grant anticipatory bail for the second petitioner as the primary allegations are only against A1 and the first petitioner herein.

6. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.VI, Madurai, and on her executing 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 the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The second petitioner 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.

8.This criminal original petition is allowed as far as second petitioner is concerned. This criminal original petition stands dismissed as far as the first petitioner.

sd/-
19/09/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE
NAGAMALAIPUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S. M. MURUGESAN Advocate SR.No.16119

ORDER

IN

CRL OP(MD) No.13031 of 2019

Date :19/09/2019

RMI

PK/JC/SAR-1/25.09.2019 : 3P/6C