



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2019

WEB COPY

PRESENT

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

CRL OP(MD). No.19120 of 2019

R.Vijaya Raj

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
CCB, Tirunelveli District.
Crime No.44 of 2019.

... Respondent/Complainant

For Petitioner : M/s. Niranjan S. Kumar,
Advocate.

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

For Intervener : Mr.B.Guru Shankar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.44 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the learned counsel for intervener and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 of I.P.C., in Crime No.44 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. It is not in dispute that the petitioner had borrowed a sum of Rs.10 Lakhs from the father of the defacto complainant. He had sofar repaid a sum of Rs.2 Lakhs. The petitioner would claim that he had been paying the interest regularly till recently. But then, the business premises of the petitioner got gutted in an fire accident. Therefore, the petitioner suffered a huge loss and he is unable to honour his commission. In the meanwhile, the defacto complainant's father also passed away. The defacto complainant in



this background has given the complaint in question, leading to registration of Crime No.44 of 2019 on the file of the CCB, Tirunelveli City for the offence under Section 420 of IPC.

4.The learned counsel for the petitioner states that the petitioner would pay a sum of Rs.1 Lakh directly to the defacto complainant within a period of two weeks. He would do so by taking a demand draft in favour of the defacto complainant and enclose the same along with the surrender petition. The same will be handedover by the Court below to the defacto complainant. The balance amount of Rs.7 lakhs will be cleared by the petiitoner within a period of six months thereafter. But during the period the petitioner will pay the interest as originally agreed every month. If the petitioner honours the undertaking now given, the respondent will file a final report dropping further action in the matter.

5. In the view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Tirunelveli, and on his 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 petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The 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.

sd/-
19/12/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE, CCB, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate SR-22460[I] dated 20/12/2019
ORDER IN

CRL OP(MD) No.19120 of 2019
Date :19/12/2019