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

Date : 06/02/2020

PRESENT

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

CRL OP(MD) . No.1543 of 2020

1. Haja Mohammed @ Haji Mohammed,
2. Malhar @ Shahul Hameed,
3. Murugan @ Murugaiah Asari, ... Petitioners/Accused Nos.1 to 3

Vs

State rep.by its
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

Crime No.226 of 2019.

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

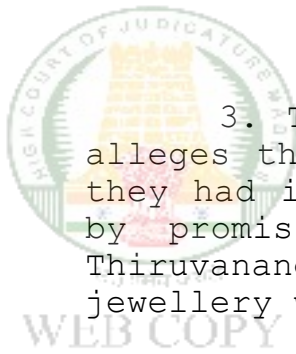
PRAYER :-

For Anticipatory Bail in Crime No.226 of 2019 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 120(b), 417, 420, 427, 406, 294(b) and 506(ii) of I.P.C., in Crime No. 226 of 2019 on the file of the respondent police, seek/s anticipatory bail.



3. The defacto complainant is a retired police officer. He alleges that the petitioners are running a jewellery shop and that they had induced the complainant to part with a sum of Rs.14 Lakhs by promising to purchase gold jewellery at lower price from Thiruvananthapuram. According to the complainant, the promised jewellery was never delivered. Hence the complaint has been given.

4. The learned counsel for the petitioners would contend that there was a loan transaction between the first petitioner and the defacto complainant and that even though the principal amount with interest has been paid, the defacto complainant is demanding payment of exorbitant interest. The learned counsel for the petitioner also alleges that the defacto complainant is a money lender. The case against the petitioners does not warrant any custodial interrogation.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Tenkasi, and on their 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. 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.

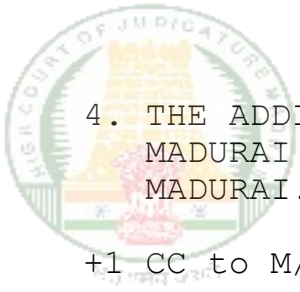
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.



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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-2523[I] dated 06/02/2020)

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ORDER

IN

CRL OP(MD) No.1543 of 2020

Date :06/02/2020

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AE/PN/SAR-II (11.02.2020) 3P 6C