



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

Date : 02/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.1675 of 2020

WEB COPY

R.Ramanathan

... Petitioner/Accused
Rank Not Known

Vs

State rep by
The Inspector of Police,
District Crime Branch, Virudhunagar,
Virudhunagar District
(Crime No.5 of 2020).

... Respondent/Complainant

Ponnuthai

... Petitioner /Intervener

For Petitioner : M/s.M.Jothi Basu,
Advocate.

For Respondent : Public Prosecutor

For Intervener : Mr.C.Jeyaprakash

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

PRAYER :-

for Anticipatory Bail in Crime No.5 of 2020 on the file of the
respondent police

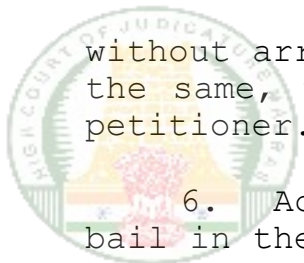
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 406 and
420 of IPC seeks anticipatory bail.

2. The petitioner along with others who are close relatives
after gaining confidence has cheated a huge sum of money by
executing sale deed in their own name under the guise of mortgage
deed and also misusing the ATM card of the defacto complainant has
taken some money. Hence First Information Report came to be
registered.

3. The learned counsel for the petitioner would submit that no
such money has been taken away from the defacto complainant or any
other persons and they are ready to co-operate with the
investigation and ready to furnish the bank details.

4. It appears that from the year 2009, the petitioner and the
defacto complainant were having good relationship regarding property
transactions and out of some misunderstanding, the present
complaint has been filed. If, at any event, there is any fraud,
misappropriation or cheating, the same can be investigated even



without arresting the petitioner and keeping him in jail. In view of the same, 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.1,00,000/- (Rupees One lakh only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] Before executing bail bond the petitioner shall deposit a sum of Rs.5,00,000/- to the credit in Crime No.5 of 2020 on the file of the learned Judicial Magistrate No.II, Virudhunagar.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-
02.03.2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. Judicial Magistrate No.II, Virudhunagar.

2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.

3. The Inspector of Police,
District Crime Branch, Virudhunagar,
Virudhunagar District

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s. G.M.Law Office, Sr.No.4592

ORDER
IN
CRL OP(MD) No.1675 of 2020
Date : 02/03/2020

VB(09.03.2020) 3P 6C