



WEB COPY

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

Date : 18/06/2020

PRESENT

The Hon'ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.4743 of 2020

1. Arunachalam,
2. Balaji,

... Petitioners/A1 and A2

Vs

The State rep.by
The Inspector of Police,
City Crime Branch, Madurai City.
(Crime No. 47 of 2019).

... Respondent/Complainant

Shanmugam ... Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No.3010 of 2020 in
CRL OP(MD)No.4743 of 2020

For Petitioners : M/s.A.S.Rajeswari,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For intervenor : Mr.G.Karuppasamy Pandian, Advocate

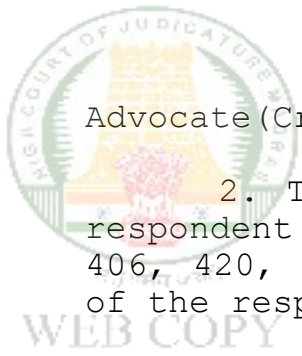
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To enlarge the petitioners on Anticipatory Bail in the event of their arrest in connection with Cr.No.47 of 2019 on the file of the respondent police and pass such other orders as this Honourable Court.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, the
<https://hcservices.reports.gov.in/hcservices/> Learned counsel for the intervenor 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), 406, 420, and 506(i) of I.P.C., in Crime No.47 of 2019 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners/A1 and A2 are non-residential of India and doing business at Malasia. A3 introduced the petitioners to the de-facto complainant. Believing the words of the A1 and A3, the defacto complainant sent pooja materials to them, in which, there is a delay in repayment to the tune of Rs.80 lakhs. Apart from that, the defacto complainant's company license has been misused by the petitioners, after receipt of notice from KVB Bank as well as RBI. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, she prays for anticipatory bail to the petitioners. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice to their rights, the petitioners are ready to pay a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the said crime number. Thereafter, the said amount may disburse to the de-facto complainant after obtaining appropriate undertaken affidavit.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that there is business transaction between the petitioners and the de-facto complainant. Based on the complaint given by the de-facto complainant, a FIR has been registered and the investigation is pending.

6. Considering the facts and circumstances of the case and considering the fact that the petitioners are ready to deposit Rs.7,00,000/-, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.2, Madurai 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;

(ii) The petitioners are directed to deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) jointly to the credit of Crime No.47 of 2019 on the file of the respondent police, within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the said amount disbursed to the de-facto complainant after obtaining undertaken affidavit.



(iii) The petitioners shall appear before the respondent police as and when required, for the purpose of interrogation.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(v) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
18/06/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, MADURAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4743 of 2020
Date : 18/06/2020

SKN
AE/PN/SAR-III (06.07.2020) 3P 5C