



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD)Nos.7966 and 7970 of 2020

Hemanathan	... Petitioner/1 st Accused in Crl.OP(MD)No.7966 of 2020
Vaiyapuri	... Petitioner/2 nd Accused in Crl.OP(MD)No.7970 of 2020

Vs

The State Rep. by The Inspector of Police, Lalgudi Police Station, Trichy District. Cr.No. 1516 of 2020.	... Respondent/Complainant in both Crl.OPs.
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For Petitioner : M/s.D.Venkatesh, Advocate
Crl.OP(MD)No.7966 of 2020

: Mr.T.Lenin Kumar, Advocate
Crl.OP(MD)No.7970 of 2020

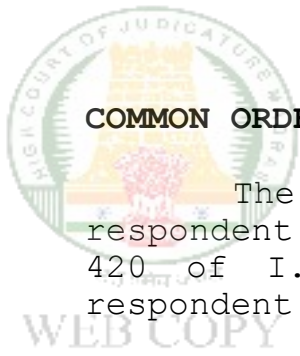
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
in both the petitions

For Intervener : Mr.R.Srinivasan, Advocate
in both the petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Cr.No.1516 of 2020 on the file of the respondent police.



COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 & 420 of I.P.C., in Crime No.1516 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the occurrence of the year 2014. The defacto complainant is the Correspondent of the Nest Matriculation School, Lalgudi and for getting plan approval he has approached the petitioners who are arrayed as accused Nos.1 & 2 in the alleged crime. The petitioners said to have received a sum of Rs.7,31,000/- (Rupees Seven Lakhs Thirty One Thousand Only) from the defacto complainant and failed to do so. Hence, Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the A-1 would submit that A-1 and the defacto complainant are close friends and hence, A-1 introduced A-2 who is Architecture and he has no role to play.

5. The learned counsel appearing for A-2 admit that A-2 has received a sum of Rs.4,10,000/- (Rupees Four Lakhs Ten Thousand Only) from the defacto complainant for which he got the plan approved. Now, after lapse of six years the present complaint has been filed. He also submitted that now he got building plan approval.

6. The learned counsel appearing for the defacto complainant/intervener would submit that for getting building plan approval the petitioners said to have received a sum of Rs.7,30,000/- and failed to do so, the present complaint has been given by the defacto complainant.

7. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

8. Considering the rival submissions, the occurrence is of the year 2014, the allegation was both the accused have received more than Rs.7 lakhs from the defacto complainant for the purpose of getting building plan approval, now, A-2 submits that he already got the building plan approved and there is a factual dispute, and that the petitioners said to have received money in the year 2014, after lapse of 6 years the present complaint has been lodged. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on the event of arrest or on their appearance before the



Judicial Magistrate, Lalgudi, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/08/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD)Nos.7966 & 7970/2020
Date :03/08/2020

KSA
TE/AKM/SAR-III : 07/08/2020 : 4P/5C