



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8421 of 2020

Selvaraj ... Petitioner/Sole Accused

Vs

The Inspector of Police,
District Crime Branch,
Trichy, Trichy District.
Crime No.Not Known of 2020 ... Respondent/Complainant

For Petitioner : M/s.P.Venkatesan,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.6 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.6 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the brother of the petitioner. The de-facto complainant is working in abroad and the petitioner is said to have purchased the property in favour of the de-facto complainant's name and thereby, cheated a sum of Rs.13,25,265/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that earlier a similar complaint has been given to the Superintendent of Police, Trichy and the same was enquired and the same has been closed. Once again, the de-facto complainant has given the present complaint before the respondent police and it is purely a civil dispute. He would further submit that the entire money has



been sent in the name of the de-facto complainant's wife and the petitioner also maintaining proper account.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that there is dispute between the brothers and that the petitioner is said to have cheated the de-facto complainant to the tune of Rs.13,25,265/-. He would further submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is purely a civil dispute between brothers, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and 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)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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]**; and;

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

sd/-
26/08/2020

/ 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.

WEB COPY

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8421 of 2020

Date :26/08/2020

MS/PN/SAR-3/28.08.2020/3P.5C