



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

Date : 07/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8956 of 2020

1. S.Seenivasan
2. R. Arun @ Arunkumar
3. R. Aishwarya
4. M. Vasanth
5. A. Arivumani
6. T. Elango ... Petitioners/Accused Nos.4,5,6,7,8 & 9

Vs

The Inspector of Police,
Central Crime Branch,
Madurai City.
Crime No 49 of 2019.

... Respondent

N.Govindaraj ... Petitioner/Intervener
in CRL MP(MD)No.4240 of 2020
in CRL OP(MD)No.8956 of 2020

For Petitioner : Mr.C.M.Arumugam,
Advocate.

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

For Intervenor : Mr.B.Saravanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.49 of 2019 on the file of the
respondent police



ORDER : The Court made the following order :-

The petitioners who are arrayed as accused No.4,5,6,7,8 and 9, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(b) and 506(i) of I.P.C., in Crime No.49 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is engaged in manufacturing of crackers in the name and style of Tamil Nadu Patassu Kadai. In the aforesaid business, one Ashok, who is also a victim in this case, has purchased a gift box of crackers in each year. Subsequently, the said Ashok introduced the petitioner/A-1 and other accused to the de-facto complainant and they have also given an assurance to Ashok that they will redeem the property, which is mortgaged by him, on payment of Rs.2,00,00,000/- and during the discussion, the petitioner also requested the de-facto complainant to sell the crackers to him. On believing this words, the defacto complainant also supplied crackers to the petitioner to the tune of Rs.1.42 crores. That apart, the defacto complainant has also paid a sum of Rs.1,30,00,000/- as cash. Likewise, the another victim, by name Ashok, has also paid a sum of Rs.1,92,00,000/- to the accused during the transaction. However, after receipt of the cash and also the crackers, the accused persons failed to pay the amount. Hence, the case has been registered.

3.Earlier A-2 and A-3 were arrested. After their arrest, there is an agreement between the accused persons and the defacto complainant. As per the agreement, they agreed to pay a sum of Rs.2,25,00,000/- to the de-facto complainant and Ashok, out of which, a sum of Rs.75,00,000/- has been paid, based on which, A2 and A3 were released on bail. Thereafter, the accused persons failed to pay the remaining amount. In the meantime, A-1 was also arrested by the respondent police on 18.08.2020. Now, he seeks bail.

4.Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent police.

5.Earlier the matter came up for hearing, Mr.C.M.Arumugam, learned counsel appearing for the petitioners would submit that now the petitioners are ready and willing to pay the remaining amount as per the agreement and hence, the matter was adjourned today. Today, when the matter is taken up for hearing, it is represented by both Mr.C.M.Arumugam, learned counsel for the petitioners as well as Mr.Saravanan, learned counsel appearing for the intervenor that the petitioners have paid the amount by way of two demand drafts for a sum of Rs.75,00,000/- each to the de-facto complainant and Ashok. Mr.Saravanan, learned counsel appearing for the intervenor also submitted that they received the amount.



6.The learned Government Advocate(Crl.Side) opposing the bail petition submitted that the investigation is pending.

7.Considering the facts and circumstances of the case and also considering the fact that as per the agreement, now the amount has been paid to the de-facto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute 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 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 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]***; and;

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

sd/-

07/09/2020

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

ORDER
IN
CRL OP(MD) No.8956 of 2020
Date :07/09/2020

sj i
AE/AKM/SAR-I (07.09.2020) 4P 5C