



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

Date : 16/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.14937 of 2020

L.Sankaralingam ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Subramaniapuram (Crime) Police Station,
Madurai City.
(Crime No.395/2016). ... Respondent/Complainant

For Petitioner : M/s.M.Sarangan,
Advocate.

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

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

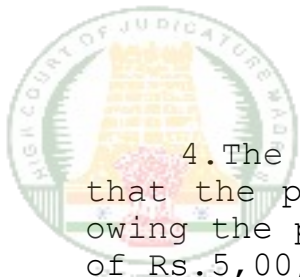
PRAYER :- For Anticipatory Bail in Crime No.395/2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the first accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 420, 468, 471, 409 I.P.C. r/w.Section 34 I.P.C and 506(ii) I.P.C, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused have committed intentionally criminal breach of trust through the fabricated lease agreement with ulterior motive and issue two cheques of City Union Bank and stopped the payment also and further alleged that the petitioner / accused threatened the defacto complainant with dire consequences. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner and his brother Sivalingam/A2 in this case are owing the petrol bulk given to the defacto complainant for the lease of Rs.5,00,000/- (Rupees Five Lakhs only) on 16.05.2015, but, within the month the defacto complainant closed the petrol bulk without prior permission from the Bharath Petroleum as well as the accused due to his inability but he insist the petitioner / accused to get back his petrol bulk and asked the cheque for the worth of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand only). Thereafter, the petitioner /accused return the cash of Rs.2,25,000/- (Rupees Two Lakhs and Twenty Five Thousand only) on 12.11.2015, but, the defacto complainant continuously threatened the petitioner / accused through the political person. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is a money transaction between the petitioner and the defacto complainant and there is no other serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No,IV, Madurai District, on condition that the petitioner shall execute 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 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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 were breached 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
16/12/2020

/ 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 No.IV,
MADURAI DISTRICT.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SUBRAMANIAPURAM (CRIME) POLICE STATION,
MADURAI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14937 of 2020
Date :16/12/2020

Ls
AE/SMA/SAR-III (22.12.2020) 3P / 5C