



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

Date : 09/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19051 of 2019

K.GANAPATHY RAJA

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
CCB POLICE STATION,
MADURAI CITY.
(IN CRIME NO.59/2019).

... RESPONDENT/COMPLAINANT

JEBASTIN SELVAN

... INTERVENE PETITIONER/DEFACTO COMPLAINANT

For Petitioner : M/s. R. Rajamohan,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

For Intervener : Mr.T.Lajapathiroy, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 59/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 408, 420, 465, 468, 477A, 294(b), 506(i) of IPC, in Crime No.59 of 2019 on the file of the respondent police, seeks anticipatory bail.

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3. When the matter was taken up for hearing, the learned counsel for the petitioner and the learned counsel for the intervener filed a joint memo. Ther terms of the joint memo read as under:

"It is submitted that both the parties shall enter into an interim arrangement:

1.The petitioner / Mr.Ganapathi Raja shall open the lock of the shop, SHRI MAGNA RETAIL situated at No.71, Amman Sannathi street, Madurai- 625001 by tomorrow at 10 a.m., and allow the intervene petitioner to occupy the same and run the shop without any interference.

2.At the time of opening the shop an inventory of all the articles in the shop along with value shall be taken and both parties shall keep a copy each in thE presence of counsel for both the sides and accounts shall be maintained by the Intervene petitioner / Mr.Jebastin Selvan.

3.The petitioner has to seek his remedy regarding possession or title of the property only through civil proceeding.

4.Any arrangement made in this memo shall not affect the civil rights of parties including petitioner / Mr.Ganapathi Raja and the Intervene petitioner / Mr.Jebastin Selvan. As it is without prejudice to the parties."

4.Both the parties agree that they would abide by the terms of the aforesaid memorandum.

5.Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Madurai, and on his 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 and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
09/01/2020

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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.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
CCB POLICE STATION, MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-630[I] dated 10/01/2020)

+1. C.C. to M/S.T.LAJAPATHI ROY, Advocate SR.No. 653

ORDER

IN

CRL OP(MD) No.19051 of 2019

Date :09/01/2020

PNN

JM/PN/SAR 4/10.01.2020/3P/7C