



WEB COPY

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

Date : 22.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.3445 of 2021

1.Yasupakthan @ Yesubakthan

2.Pakthasingh @ Baktha Singh

3.Suba Joice Hetter @ Suba Joice Hector

... Petitioners/Accused
No.1 to 3

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
(Crime No.2 of 2021)

... Respondent/Complainant

For Petitioners : M/s.C.Muthusaravanan, Advocate

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

For Intervenor : M/s.S.C.Herold Singh, Advocate

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

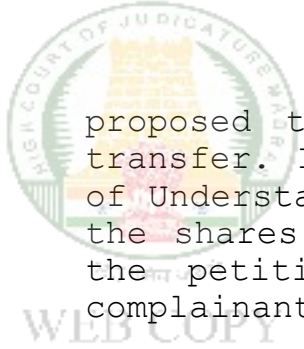
PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 420 IPC, in Crime No.2 of 2021, seek anticipatory bail.

2.The prosecution case is that the first petitioner owns a Gas Agency at Marthandam in the name and style of Jai Gas Agency and he



proposed to dispose of the same along with other properties by transfer. In this regard, the petitioners entered into a Memorandum of Understanding with one Ansar, who, in turn, agreed to re-transfer the shares to the defacto complainant. Having received the amount, the petitioners failed to transfer the shares to the defacto complainant, as agreed by them. Hence the complaint.

3.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution, but a false case has been foisted as against them.

4.When the matter was taken up for hearing in the earlier occasion, learned Counsel for the petitioner as well as intervenor represented that there is a possibility of an amicable settlement and therefore, prayed for referring the matter for mediation.

5.On the request of the parties, the matter was referred to mediation and Advocate Mr.T.Selvan is appointed as Mediator. The Mediator, after mediation, has filed a report that the mediation failed.

6.Heard the learned Additional Public Prosecutor appearing for the respondent police as well.

7.Considering the facts and circumstances of the case, nature of allegation levelled against the petitioners and the fact that it is purely a business transaction, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the evidence or witness either during investigation or trial.

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

<https://hcservices.ecourts.gov.in/hcservices/>



[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 petitioners / accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
22/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

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.I,
NAGERCOIL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.C.HEROLD SINGH, Advocate SR.No.7347

ORDER
IN
CRL OP(MD) No.3445 of 2021
Date :22/10/2021