



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11192 of 2021

V.Ragunathan ... Petitioner/Accused No.3
Vs

The Inspector of Police,
DCB Thanjavur,
Thanjavur District.
[Crime No.18 of 2021] ... Respondent/Complainant

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 120(B) IPC in Crime No.18 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner / A3 has induced the defacto complainant to deposit money in A1 and A2's financial firm, wherein A4 to A6 are employs. The post dated cheques given by the accused towards the deposit made to the tune of rupees fifteen crores by the defacto complainant, got dishonoured. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner has nothing to do with the business of the other accused, but he is the landlord of the building, where the accused run their business. However, this case has been foisted against the petitioner.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner has induced the defacto complainant to deposit in the financial firm run by A1 and A2, who were already arrested.

5.Considering the facts and circumstances of the case, the nature of allegations and the fact that A1 and A2 were already arrested, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Kumbakonam, 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 learned Magistrate concerned and on further conditions that:

[a]the petitioner 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 petitioner shall report before respondent police daily at 10.30 am and 5.30pm.

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/08/2021

/ TRUE COPY /

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



dsk

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,
Kumbakonam,
- 2.Do- through Chief Judicial Magistrate,
Thanjavur District at kumbakonam.
- 3.The Inspector of Police,
DCB Thanjavur,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5711[I] dated 26/08/2021)

ORDER IN
CRL OP (MD) No.11192 of 2021
Date : 25.08.2021

TR/SKN/SAR-III (07.09.2021) 3P 6C