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

Date : 08/03/2023

PRESENT

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

CRL OP(MD). No.20507 of 2021

Sivasubramani ... Petitioner / Accused No.1

Vs

1.The State represented by
The Inspector of Police,
Tirupparankundram Police Station,
Madurai City, Madurai.
(Crime No. 618 of 2021.) ... Respondent / Complainant

2.S.Ramasamy ... Petitioner / Intervener /
Defacto Complainant
in Crl MP(MD) No.246 of 2022

For Petitioner : M/s.Niranjan.S.Kumar, Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.M.Jegadeesh Pandian

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

PRAYER :-

For Anticipatory Bail in Crime No.618 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406, 417, 420 and 506(2) of I.P.C., in Crime No.618 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and A1 were working together in the jewelry shop. The wife of the de-facto complainant was working as Staff in the State Bank of India. After coming out of the jewelry shop, the de-facto complainant had mobilized a sum of Rs.7,80,000/- by way of bank loan

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through his wife and his personal saving and amount coll by pledged his jewel, a sum of Rs.10,00,000/- was accumulated. Thereafter, A1 induced the de-facto complainant stating that good income can be fledged if gold bar are purchased and its divided pieces of sold. Believing the same, the de-facto complainant has lent a sum of Rs.15,00,000/- to A1 on various occasions. Subsequently, when the de-facto complainant asked accounts and profit to the first accused, the first accused evaded by giving reasons. Thereafter, when pressurized by the de-facto complainant, a property document was given to him as security. Subsequently, the amount was not returned and the document also does not belong to the first accused. Hence, the de-facto complainant filed a petition under Section 156(3) of Cr.P.C before the learned Magistrate and the learned Magistrate has issued a direction and on that basis, the respondent police registered the present case against the petitioner.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the there is a partnership dispute between the petitioner and the de-facto complainant. That apart, a complaint was registered only after direction issued under Section 156(3) of Cr.P.C. by the learned Magistrate. Therefore, the custodial interrogation of the petitioner is not required in this case.

5.In view of the above, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.VI, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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.

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/03/2023

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

SJI

To

1.The Judicial Magistrate No.VI,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thirupparankundram Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-3637[I] dated 08/03/2023)

+1 CC to M/s.M.JEGADEESPANDIAN, Advocate (SR-3842[I] dated 09/03/2023)

ORDER
IN
CRL OP(MD) No.20507 of 2021
Date :08/03/2023

ED/BUC/SAR-3 (17/03/2023) 3P 7C

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