



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

Friday, the Thirtieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1226 of 2015

1 BUVANESHWARI- A-1
2 S.RENUKA -A-2

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
CRIME NO.9 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.APPADURAI Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

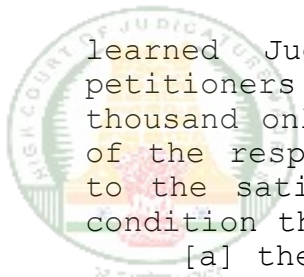
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420, 294(b) and 506(i), in Crime No.9 of 2015 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the present case has been registered pursuant to a direction issued by the learned Judicial Magistrate, Uthamapalayam, under Section 156(3) of the Code of Criminal Procedure. On a reading of the complaint, it appears that the *de facto* complainant has paid a sum of Rs.80,000/- to the petitioners on the promise that they will return the same with interest. Earlier, when the matter was taken up, on 27.01.2015, the learned counsel appearing for the petitioners submits that the petitioners will return a sum of Rs.79,000/- and they were directed to file an affidavit in Tamil Language.

3. Today, when the matter is taken up, the learned counsel appearing for the petitioners has brought to the notice of this Court that the *de facto* complainant has to pay a sum of Rs.2.50 Lakhs to them and therefore, they are withholding the amount, which is payable to the *de facto* complainant. It appears that these petitioners are running a Chit, in which the *de facto* complainant and her father are subscribers and her father has taken a Chit to the value of Rs.3,00,000/- and on that account, he has to pay some amount to the petitioners. Apart from the above, there is no other complaint against the petitioners from anyone.

4. Considering the above, I am inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Uthamapalayam, on condition that the petitioners 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 and on further condition that:

[a] the petitioners shall report before the respondent police twice a day at 10:30 in the morning and 06:30 in the evening for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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].

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
30/01/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,UTHAMAPALAYAM.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.

+1. CC to M/S.K.APPADURAI Advocate SR.No.4281

ORDER

IN

CRL OP(MD) No.1226 of 2015

Date :30/01/2015

RG.02.02.2015

2P.6C.