



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

Monday, the Twenty Seventh day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13571 of 2015

1 MALLIGA
2 THIRUMOORTHY
3 ROOPAVATHI
4 SEETHARAMAN

..PETITIONERS/ACCUSED 3,5,6 AND 7

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
IN CR.NO. 12 OF 2015,
VIRUDHUNAGAR DIST.

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.V.KATHIRVELU Senior Counsel
for MR.K.PRABHU Advocate

For Respondent : MR.K.V.RAJARAJAN,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A3, A5, A6 and A7 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 294(b), 420 and 506(i) of IPC, in Crime No.12 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and A1 and A2 were running fire crackers business and the de-facto complainant had sent Rs.82,00,000/- into the account of A2, which was misappropriated by the accused and thereby, they have cheated the de-facto complainant.

3.Mr.V.Kathirvelu, learned Senior counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned Senior counsel further submitted that A1 and A2 are husband and wife and their marriage is an inter-caste marriage and A1 and the de-facto complainant are relatives and they are also close friends and the other accused viz., A3 and A7 are relatives of A2 and the alleged amount sent to A2 was given to A1 for running a business and since, the business ended in loss, this complaint has been given by A1 to the de-facto complainant. The learned Senior counsel further submitted that on 27.07.2014, A2 was issued a notice to the de-facto complainant stating that A1 and the de-facto complainant are close



relatives and she should not be threatened by the de-facto complainant for transfer of her property, due to loss sustained in the business.

4.The learned Senior counsel further submitted that prime accused in this case, namely A1 was released on bail and the petitioners have nothing to do with the alleged offence.

5.The learned Government Advocate (Criminal side) submitted that A1 along with the other accused conspired together and misappropriated the amount to the tune of Rs.82,00,000/- of the de-facto complainant and A1 was released on bail.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Virudhunagar and on each of them 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 petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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 stands dismissed.

sd/-

27/07/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.K.PRABHU Advocate SR.No.42202

Akm/31.07.15 /2p-6c/

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ORDER

IN

CRL OP(MD) No.13571 of 2015

Date :27/07/2015