



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

Wednesday, the Twenty First day of January Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) Nos.17949 & 18077 of 2014

1 B.MUNIYAMMAL
2 DHANASEELI

... PETITIONERS/EXPECTED ACCUSED
IN CRL.OP(MD)NO.17949/14

1. JANAKI
2. DHANALAKSHMI
3. LAKSHMI

... PETITIONERS/ACCUSED RANK NOT KNOWN
IN CRL.OP(MD)NO.18077/2014

B.ANAND

... INTERVENOR IN BOTH PETITIONS

Vs

THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI.
CR. NO. 485 OF 2014.

... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

For Petitioner : M/S.C.VAKEESWARAN Advocate IN BOTH PETITIONS

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

For Intervenor : M/S.G.KARUPPASAMY PANDIAN, Advocate
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

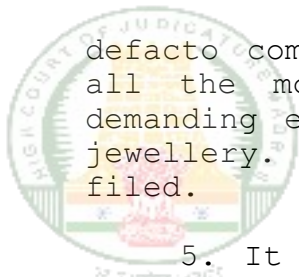
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406, 420 and 506(ii) IPC in Crime No.485 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Additional Public Prosecutor appearing for the State. Learned counsel for the Intervenor strongly opposed to the grant of anticipatory bail to these petitioners.

3. This case has been registered pursuant to the direction issued under Section 156(3) Cr.P.C. by the learned Judicial Magistrate, Madurai. The case of the defacto complainant is that he is into jewellery business and that Muniyammal (A1) approached him sometime in the year 2009 and purchased jewellery worth about Rs.13 lakhs for herself and also jewellery worth about Rs.16 lakhs for the Woman Self Help Group in which she is alleged to be a member. Even according to the defacto complainant, the said Muniyammal introduced other members of the Woman Self Help Group, like A2 to A5. It is alleged that after having purchased jewellery, the said Muniyammal and other accused had failed to make any payment, nor returned the jewellery.

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4. On the contrary, it is submitted by the learned counsel for the petitioners that the petitioners had purchased jewellery as stated by the



defacto complainant in the year 2009 and the petitioners have returned all the money in installments and that the defacto complainant is demanding excess amount from them by valuing the present price for the jewellery. On account of this dispute, this false complaint has been filed.

5. It is seen that the occurrence had taken place sometime in the year 2009-2010 and the defacto complainant has chosen to file a complaint only now and that too, after obtaining orders under Section 156(3) Cr.P.C. Under such circumstances, 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 No.IV, Madurai, on condition that each of 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 and on further condition that:

[a] the petitioners shall report before the respondent police 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].

sd/-
21/01/2015

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Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI.
4. THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SR : 27.01.2015 : 2P/5C