



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

Friday, the Fourth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21965 of 2015

1 MURUGAVEL

2 SELVI

... PETITIONERS/ACCUSED (RANK NOT KNOWN)

Vs

STATE REP.BY

1 THE INSPECTOR OF POLICE

JAIHINDPURAM POLICE STATION (CRIME),

MADURAI,

CRIME NO NOT KNOWN/2015

... RESPONDENT/COMPLAINANT

2 S.JEYABHARATHI

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S D.SHANMUGARAJA SETHUPATHI Advocate

For Respondent : MR.K.ANBARASAN, Government 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 accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.1242 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 on believing the words of the petitioners that they will arrange for agricultural jewel loan, gave her jewels to pledge in the Bank. The petitioners pledged the jewels and handed over a sum of Rs.2,00,000/- to the de facto complainant in the month of August 2014, and thereafter, the de facto complainant paid a sum of Rs.2,00,000/- to the petitioners and asked the petitioners to redeem the jewels. But, the petitioners neither redeem the jewels nor return the amount and mis-appropriated the same. On the complainant given by the de facto complainant a case has been registered against the petitioners.

3. It is submitted by the learned counsel for the petitioners that the de facto complainant is a money lender and the petitioners have borrowed a sum of Rs.11,00,000/- and paid a sum of Rs.8,50,000/- and subsequently, she did not pay the balance amount of Rs.2,50,000/- and therefore, the de facto complainant harassed the petitioners and threatened them with dire consequences. Due to which, the second
<https://hccservicescour.gov.in/hccservices/> petitioners consumed poison and admitted in the hospital and a case has been reregistered against the de facto complainant in Crime No.29 of 2015. As a counter blast, the de facto complainant has given a false



complaint against the petitioners. He further submitted that the petitioners are innocent and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4. It is submitted by the learned Government Advocate (Crl.Side) that this is the case and counter case and investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that this is the case and counter case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-IV, Madurai and on their 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 first petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation and the second petitioner being a lady 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.

6. 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/-
04/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3 THE INSPECTOR OF POLICE ,JAIHINDPURAM POLICE STATION CRIME, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S D.SHANMUGARAJA SETHUPATHI Advocate SR.No.69607

ORDER
IN
CRL OP(MD) No.21965 of 2015
Date :04/12/2015

trp
CSL/GSV-AN/SAR-I/08.12.2015
2P/6C