



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4201 of 2018

1 PETCHIYAMMAL

2 MUTHAIAH

... PETITIONER/ACCUSED No.1&2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
TIRUMANGALALM TALUK POLICE STATION,
TIRUMANGALAM,
MADURAI DISTRICT.
IN CRIME NO.231/2014

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.ANANDA RAJ, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 419, 471 and 420 I.P.C., in Crime No.231 of 2014, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant insured the amount with L.I.C., due to similarity of the name, the insured amount was mistakenly handed over to the petitioners herein. Hence a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners using the similarity with the name, received a major amount from the L.I.C., Subsequent to that, after identifying the genuineness, the petitioners repaid the said amount to the defacto complainant. Further, the alleged offence was happened in the year 2004. So, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Thirumangalam, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-
16/03/2018

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



1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3 THE INSPECTOR OF POLICE,
TIRUMANGALAM TALUK POLICE STATION,
TIRUMANGALAM, MADURAI DISTRICT.

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

+1. CC to M/S.A.ANANDA RAJ, Advocate SR.No.4305

ORDER
IN
CRL OP(MD) No.4201 of 2018
Date :16/03/2018

PK/RR-CSL/SAR-2/22.03.2018 : 3P/6C