



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22033 of 2018

1 MARY SAROJA

2 ARULDHAS

... PETITIONERS / ACCUSED 1 & 3

Vs

THE STATE OF TAMILNADU REP.BY

THE INSPECTOR OF POLICE,

COLACHEL POLICE STATION,

KANYAKUMARI DISTRICT.

(IN CRIME NO 254 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.RAJKUMAR SEN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 34 I.P.C in Crime No.254 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are husband and wife and the first petitioner is running an unregistered chit. Defacto complainant is one of the subscribers in the said chit. The defacto complainant paid a total sum of Rs.2,25,000/- in 9 instalments. The allegations against the petitioners is that they failed to pay the prized chit amount of Rs.2,25,000/-.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence. He would further submit that A-2 in this case, who is the son of the petitioners has been granted anticipatory bail and he is attending the Mediation Centre at Nagercoil. Hence, he prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioners have no previous case and investigation is going on. He would



further submit that once a deed of acceptance is accepted, no criminality can be attached to the same. If at all the defacto complainant has got any grievance, she has to approach the Civil Court and criminal case is not maintainable.

5. Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side), this Court feels that this petition is not maintainable.

6. Accordingly, this anticipatory bail petition is dismissed.

sd/-
13/12/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/JC/SAR-4/20.12.2018/2P/3C

ORDER
IN
CRL OP(MD) No.22033 of 2018
Date :13/12/2018