



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.21998 of 2018

1.S. MALLIKA @ VALLI

2 S. SERMALINAGAM @ DURAI

... PETITIONERS / ACCUSED 2 & 3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

PATHAMADI POLICE STATION,

TIRUNELVELI DISTRICT.

(IN CRIME NO. 111 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.P.NARAYANAKUMAR 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, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420, 294(b) and 506(1) IPC in Crime No.111 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first accused namely Sivanu is doing chit business, in which, the defacto complainant deposited some amount in the presence of A2 and A3. After completing the chit period, the defacto complainant demanded the entire amount. But the amount has not been paid by the petitioners. Hence, the defacto complainant gave a complaint to the respondent police.

3.The learned counsel petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that as per the allegation of FIR, the amount was paid in favour of A1 only.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that only A1 is running chit



business. The case of A1 will be decided independently.

5. Considering the facts and circumstances of the case and the fact that the petitioners are not running any chit business and only A1 is running chit business, I am inclined to grant anticipatory bail to the petitioners. However, the case of A1 shall be decided independently. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Cheranmahadevi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain copies of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the first petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE ,
CHERANMAHADEVI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PATHAMADI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.K.P.NARAYANAKUMAR Advocate SR.No.45796

ORDER

IN

CRL OP (MD) No.21998 of 2018

Date : 07/02/2019

AE/JC/SAR-II/13.02.2019/3P/6C