



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2396 of 2019

1 G.SUGANTHI
2 A.MARIYAYEE
3 A.DHARMARAJ

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT,
CRIME NO.NOT KNOWN OF 2019

... RESPONDENT/COMPLAINANT

For Petitioners : MR.V.ILLANCHEZIAN, 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 alleged offences punishable under Sections 420 and 506(ii) I.P.C, in Cr.No.77 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a retired Assistant Elementary Officer. After retirement, he had a relationship with the first petitioner/school Teacher. During the period, the first petitioner received huge amount from the defacto complainant and not returned the same and also refused to live with him. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Due to harassment made by the defacto complainant, the first petitioner is living separately. It is purely a family dispute. The defacto complainant filed a false complaint before the respondent police.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the first petitioner retired in the year



2012. The first petitioner and the defacto complainant are living together from 2012 onwards. The defacto complainant filed a complaint in the year 2018.

5. Considering the facts and circumstances of this case and also considering the allegation levelled against the petitioners, this Court is 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, Lalgudi, 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 condition that:

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

(b) the petitioners 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;

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

(f) 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;

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

sd/-
25/02/2019

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR.V.ILLANCHEZIAN Advocate SR.No.3723

ORDER

IN

CRL OP(MD) No.2396 of 2019

Date :25/02/2019

DAS

PK/JC/SAR-3/28.02.2019 : 3P/6C