



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

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5149 of 2019

1.SANGEETHA,
2 KRISHNAPERUMAL,
3 MATHAN,

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.25 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.MAHARAJA FOR MR.R.RAJESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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 under Sections 420 I.P.C. in Cr.No.25 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is a widow. After death of her husband, she sold some property and deposit some amount to her bank account, at that time, the petitioners approached the defacto complainant and asked some amount for developing their business and for simple interest. Thereafter, they are not repaid the entire amount, for which, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that in the year 2017, the second petitioner requested her a sum of Rs.1,00,000/- for developing their business. After two months, the petitioner gave the entire amount to her in various installments. Thereafter, the defacto complainant gave a false

complaint before the respondent police.

4.Today, on instructions, the learned counsel appearing for the petitioners undertakes that the petitioners are ready to deposit a sum of Rs.5,00,000/- in Crime No.25 of 2019, within a period of four weeks without prejudice to their defence before the trial Court. Thereafter, the said amount may be disbursed in favour of the defacto complainant.

5.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioners themselves come forward to deposit a sum of Rs.5,00,000/- in Crime No.25 of 2019, this Court may pass appropriate order.

6.Considering the facts and circumstances of the case and considering the undertaking given by 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, Eraniel, Kanyakumari District, 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 shall deposit a sum of Rs.5,00,000/- to the credit of Crime No.25 of 2019, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to their defence before the trial Court and the learned Magistrate shall disburse the said amount to the defacto complainant within a period of two weeks thereafter. On such deposit, the surety bond should be accepted.

(b)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;

(c)the second and third 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;

(d)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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to MR.R.RAJESH, Advocate (SR-6740[I] dated 15/04/2019)

ORDER
IN
CRL OP(MD) No.5149 of 2019
Date : 11/04/2019

AE/PN/SAR-II/22.04.2019/3P/6C