



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

Date : 27/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7962 of 2019

1. Palaniammal,
2. Abirami, ... Petitioners/Accused 4 and 5

Vs

The Inspector of Police,,
CCB, Tirunelveli City,
Tirunelveli District. ... Respondent/Complainant

Selvakumar ... Petitioner/Intervenor/Defacto Complainant
in CRL MP(MD).NO.5417 of 2019 in
CRL OP(MD).NO.7962 of 2019

For Petitioners : M/s.S.C.Herold Singh,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor,

For Intervenor : Mr.K.SIVABALAN, Advocate

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

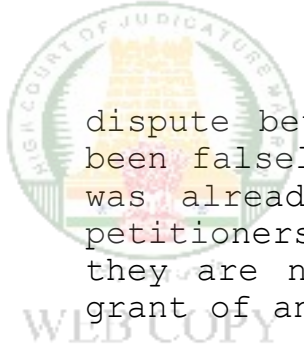
PRAYER :-

For Anticipatory bail in Cr.No.13 of 2019 on the file of the
respondent police.

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 406,
418 and 420 of I.P.C, in Crime No.13 of 2019, seek anticipatory
bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocents and due to business



dispute between the defacto complainant and 1st accused, they have been falsely implicated in this case. In this case, the 1st accused was already arrested and remanded into judicial custody and the petitioners are mother and wife of the 1st accused respectively and they are not the partners of the business. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.Per contra, the learned counsel for the defacto complainant/intervenor has submitted that the 1st accused along with their family members have already been running a Ghee business and for the purpose of developing their business only, the 1st accused used the defacto complainant and received huge amounts from him by giving a false promise that it is a partnership business. He further submitted that since the petitioners are blood relatives of the 1st accused, they might involve in tampering of the witnesses. Hence, he oppose this anticipatory bail petition.

4.The learned Additional Public Prosecutor appearing for the respondent has adopted the arguments advanced by the learned counsel for the intervenor. However, he fairly conceded that no previous case is pending against the petitioners.

5.A perusal of the FIR shows that the defacto complainant has paid huge amounts only to the 1st accused and the document which has been produced by the learned counsel for the defacto complainant also would show that the first accused alone gave an undertaking that he will repay the amount and nothing has been whispered against the petitioners herein in the FIR. Further the first accused was already arrested and remanded into judicial custody and still, he is in custody.

6.Taking into consideration of the fact that in this case, the first accused was already arrested and remanded into judicial custody, also the fact that petitioners are not the partners of the business, also the fact that nothing has been whispered against them in the FIR and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/06/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

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

3.THE INSPECTOR OF POLICE,
CCB, TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-10631[I] dated
27/06/2019)

ORDER
IN
CRL OP(MD) No.7962 of 2019
Date :27/06/2019