

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9047 of 2019

1.M.Lakshmi
2.P.Jothieswari
3.Sivabalan

... Petitioners/Accused
No. 1 to 3

Vs

State rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City, Madurai.
Crime No.609 of 2019

... Respondent/Complainant

For Petitioners : M/s.R.Babu Jaganath, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.609 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The learned counsel for the petitioner has submitted that in stead of 506(i) I.P.C, he has wrongly mentioned in this petition as 506(ii) I.P.C. Hence, he requested this Court to correct the same. To that effect, he has also filed a memo.

2.The said memo is recorded. The Registry is directed to make necessary corrections in this regard.

3.The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 and 506(i) I.P.C, in Crime No.609 of 2019, seek anticipatory bail.

4.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that the petitioners have already borrowed some amount from the wife (Palaniammal) and daughter (Yuvarani) of the defacto complainant and

repaid the said amount with interest. But, even thereafter, the defacto complainant demanded some more amount and also criminally intimidated them and hence, the first petitioner has lodged a complaint before the Assistant Commissioner of Police, Thirupparankundram on 19.03.2019. The said Assistant Commissioner of Police, Thirupparankundram conducted an enquiry and during enquiry, Palaniammal and Yuvarani have stated that they would not demand any amount and also would not criminally intimidate them and hence, the said complaint was closed. He further submitted that since the first petitioner has lodged a complaint against the wife and daughter of the defacto complainant, he gave a false complaint against the petitioners herein on 22.06.2019, as if they have received a sum of Rs.15,00,000/- from the defacto complainant for getting Government job for his son. He further submitted that the defacto complainant's son-in-law is working as a Sub-Inspector of Police and that being so, the defacto complainant would not have paid any amount to the petitioners for getting Government job. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor appearing for the respondent has submitted that the money transaction which took place between the first petitioner and the defacto complainant's wife and daughter are totally different. He further submitted that the petitioners herein gave a false promise that they are having influence in the Government and they will make arrangements for getting job in the Government and received a sum of Rs.15,00,000/-, but subsequently, they did not get any job nor repaid the amount. Hence, a complaint was lodged before the Judicial Magistrate and the same was forwarded to the respondent under Section 156(3) Cr.P.C and hence, FIR was registered. He further submitted that investigation is in progress and hence, he strongly opposed this petition.

6.It is seen from the typed set of papers filed by the learned counsel for the petitioners that on 19.03.2019 itself, the first petitioner has lodged a complaint before the Assistant Commissioner of Police, Thirupparankundram against the wife and daughter of the defacto complainant stating that they are demanding more money and also criminally intimidated them and based on the said complaint, an enquiry was conducted by the Assistant Commissioner of Police, Thirupparankundram on 23.06.2019 and during the said enquiry, the wife and daughter of the defacto complainant stated that they will not demand money and they will not criminally intimidate the first petitioner herein. That being so, the contention of the defacto complainant that he has paid Rs.15,00,000/- to the petitioners is highly doubtful. Therefore, 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 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 No.VI, Madurai on condition that the petitioners shall each 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 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/-

08/07/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO VI, MADURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION, MADURAI CITY, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ARIYANATCHI Advocate SR.No.11442

ORDER

IN

CRL OP(MD) No.9047 of 2019

Date :08/07/2019

VS

<https://hcservices.mca.gov.in/hcservices/>
IN/VR/SAR.17/19.07.2019/3P/6C