



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

Date : 24/07/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD) . No.9259 of 2019

1.Selvaraj  
2.S.Subbulakshmi

... Petitioners/Accused  
Rank Not Known

Vs

State through  
The Inspector of Police,  
S.S.Colony Police Station,  
Madurai District.  
Crime No.452/2019

... Respondent/Complainant

For Petitioners : M/s.G.Prabhu Rajadurai,  
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.452/2019 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 Section 420 of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. the learned counsel on instructions would further submit that the petitioners are ready to deposit Rs.4,00,000/- to the credit of the crime number without prejudice to their rights and defence before the trial court. Hence, he prayed to grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the defacto complainant is the relative of the petitioners herein. He further submitted that the petitioners herein were running a chit fund by name 'Sastha Chit Fund' and approached the defacto complainant and by showing the list of some of the depositors herein asked the defacto complainant to join in the chit fund and hence in the month of February 2017, the defacto complainant joined in the chit having a value of Rs.5,00,000/- and paid the subscriptions for 20 months. Further the petitioners induced the defacto complainant to deposit the savings with them and that would yield heavy return and on believing their words, the defacto complainant's daughter has deposited a sum of Rs.4,00,000/- in the month of March 2019. So, totally the petitioners have paid Rs.9,00,000/-, but the petitioners did not return the said amount as promised by them and hence he strongly opposed this petition.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners have come forward to deposit Rs.4,00,000/- to the credit of the crime number 452 of 2019 without prejudice to their rights and defence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai 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 three weeks, this order shall stand automatically cancelled.

[b] before executing bail bond the petitioners shall deposit a sum of Rs.4,00,000/- to the credit in crime number 452 of 2019 before the learned Judicial Magistrate No.V, Madurai and only on such deposit the learned Magistrate shall accept the sureties.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/> [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].

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

sd/-  
24/07/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,  
MADURAI.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
S.S.COLONY POLICE STATION,  
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to Mr.G.PRABHU RAJADURAI Advocate SR.No.12234  
+1. CC to M/S.P.KALAIYARASI BHARATHI Advocate SR.No.12301

ORDER  
IN  
CRL OP(MD) No.9259 of 2019  
Date :24/07/2019

aav  
TK/PN/SAR.1/31.07.2019/3P/7C