



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

Friday, the Eighth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.22251 and 22497 of 2018

WEB COPY

A.MUTHU KUMAR

... PETITIONER / 1st ACCUSED
IN CRL OP(MD)NO.22251/2018

A.RAJA @ RAJAKUMAR

... PETITIONER/ 2nd ACCUSED
IN CRL OP(MD)NO.22497/2018

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI.
(CRIME.NO.26/2018)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.S.R.ANBARASU Advocate(IN BOTH PETITIONS)
For Respondent : Mr.S.CHANDRASEKAR,Additional Public Prosecutor
(IN BOTH PETITIONS)

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

ORDER : The Court Made the following order :-

COMMON ORDER

Since these two petitions are arising out of the same crime and the petitioners are arrayed as accused in the same crime number, these two petitions are taken up together and disposed of by way of common order.

2.The petitioners/A1& A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 IPC., in Crime No.26 of 2018 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners were running a chit fund at Udankudi in the name and style of "Shunmugavel Chit Funds". The defacto complainants have subscribed Rs.3,08,000/- to the above chit fund and that amount was cheated by the petitioners. Hence, the complaint.

4.The learned counsel appearing for the petitioners would submit that the petitioners are ready to deposit Rs.1,54,000/- within a period of three weeks and prays for anticipatory bail. Thereafter the said amount may be disbursed in favour of the defacto complainant.



5.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the submission that the petitioners have come forward to deposit the said amount within a period of three weeks from the date of receipt of a copy of this order, 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 three weeks from the date of receipt of a copy of this order, before the learned **(*)Judicial Magistrate No.VI, Thoothukudi**, 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 Rs.1,54,000/- to the credit of Crime No.26 of 2018 before the Court below within a period of three weeks from the date of receipt of a copy of this order;

(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 learned Magistrate shall accept the sureties only on the payment of Rs.1,54,000/- and on such receipt, the learned Magistrate shall disburse the said amount to the defacto complainants/victims within a period of two weeks thereafter, after ensuring their identity and proof of subscription to the chit fund;

(d) the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(g) 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;



(h) if the accused thereafter absconds, a fresh FII registered under Section 229-A IPC.

sd/-

08/02/2019

(*) Amended as per order of this Hon'ble Court in CRL MP(MD).14558/2022 in CRL OP (MD).22251/2018 dated 25.11.2022 by AANJ

The time for surrender and execution of sureties is extended by two weeks from the date of receipt of a copy of this order.

/ TRUE COPY /

/12/2022

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

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 14.02.2019

- 1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.
- 2 THE JUDICIAL MAGISTRATE NO.VI,
THOOTHUKUDI.
- 3 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.RAJIV RUFUS V, ADVOCATE SR.NO.13696[I]

ORDER

IN

CRL OP(MD) No.22251 of 2018

Date :08/02/2019

PS/PN/SAR-4/14.02.2019/3P/6C
RS/VR/SAR.1(14.12.2022) 3P-7C