



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22460 of 2018

1 KRISHNAVENI

2 VIVEK

... PETITIONERS / ACCUSED Nos.2 & 3

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
(IN CRIME NO. 431 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.T.RAMESH RAJA 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 offences punishable under Sections 406, 420, 294(b) and 506(i) I.P.C, in Crime No.431 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners arrayed as A2 and A3. The second petitioner is the son of the first petitioner and the 1st accused. A2 is the President of the self help group in the name of "Ukkarai Kaliyamman Kalanjiyam" and obtained loan in the name of the members of the self help group. The petitioners have collected money and diverted it for their own use and they have lend money. The petitioners have alleged to have assured the defacto complainant that they would pay the due amount of Rs.4,95,000/- by leasing their house. Further for supporting the self help group, they have also received money from various persons.

3.The learned counsel for the petitioners would submit that the defacto complainant is a money lender who had earlier given a loan mortgaging the house where the petitioner is now residing, which was not accepted by the defacto complainant. Hence the defacto complainant set up other person and lodged a false complaint against the petitioners. Further the first petitioner is the physically



handicapped person and the second petitioner is also physically handicapped with leg movement only 60%. Further the petitioners are agree to deposit of Rs.1,75,000/- to the credit in the crime number in this case.

4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. The victims, who is named in the F.I.R except the defacto complainant, are said to have been approached the concerned court with the receipt of 25,000/- of cash of the deposit amount. The lower court on receipt of their application is directed to hand over the money to them.

6. Considering the facts and circumstances of the case and also considering the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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, Periyakulam, 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 said Magistrate, on further condition that:

[a] the petitioners shall appear before the respondent police daily at 10.30.am, until further orders.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/01/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr.P.T.RAMESH RAJA Advocate SR.No.1230

PS/JC/SAR-3/05.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.22460 of 2018

Date :23/01/2019