



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

Date : 12/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.2493 of 2020

1.R.Naga Vignesh
2.Arun Kumar
3.Pushpalatha
4.Padma
5.Pandiselvam

... Petitioners/Accused
Nos.1 to 5

Vs

1.The State rep.by
The Inspector of Police,
District Crime Branch,
Dindigul.
Crime No.1 of 2020

...1st Respondent/Complainant

2.R.Muthu Ganesh

... 2nd Respondent/Defacto Complainant

For Petitioners : M/s.I.Velpradeep,
Advocate.

For R1 : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.T.Vadivel, Advocate

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

PRAYER :-

for Anticipatory Bail in Crime No.1 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 120(b),
406, 420, 506(i) of I.P.C., in Crime No. 1 of 2020 on the file of
the respondent police, seek anticipatory bail.



3. The petitioners had earlier filed Crl.O.P.(MD)No.1210 of 2020 and the same was dismissed as withdrawn on 10.02.2020. According to the intervener, a sum of Rs.12,22,365/- (rupees Twelve Lakhs Twenty Two Thousand Three Hundred and Sixty Five only) was withdrawn from his account without his knowledge and concurrence.

4. This Court indicated on the earlier occasion that if the amount is deposited to the credit of the crime No.1 of 2020, this Court will be inclined to grant the relief of anticipatory bail to the petitioners. On 11.02.2020, a mentioning was made before me by the learned counsel for the petitioners that the petitioners are ready to abide by the said suggestion given by this Court. There upon a slip was given to enable the petitioners to file this anticipatory bail petition without the back bundle.

5. After the anticipatory bail was filed, it is stated that the respondent police had arrested the petitioners 4 and 5. Since, the arrest of the petitioners 4 and 5 had taken place after the filing of the petition for anticipatory bail and since the petitioners are willing to deposit the amount of Rs.12,22,365/- to the credit of Crime No.1 of 2020, I am inclined to convert this anticipatory bail to one of bail as far as the petitioners 4 and 5 are concerned.

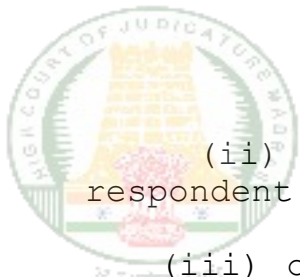
6. Since the petitioners have shown their bonafides, anticipatory bail is granted for petitioners 1, 2 and 3. The relief of Bail is granted for the petitioners 4 and 5. The fourth petitioner Padma is said to be confined at the Sub Jail for Women, Nilakottai and the fifth petitioner is said to be confined at the District Jail, Dindigul.

7. The petitioners are given exactly two weeks from today (12.02.2020) to deposit the amount of Rs.12,22,365/- to the credit of crime No.1 of 2020. The learned Magistrate will make arrangement to invest the said amount in an interest bearing account in any nationalized bank. The disbursal of the said amount will depend on the outcome of the criminal proceedings.

8. The learned counsel for the petitioner gives an undertaking that he will not apply for extension of time to comply with the direction to deposit the amount in question. If the amount is not deposited within the time stipulated above, the order now passed will stand cancelled.

9. Therefore, I am inclined to enlarge the petitioners 4 and 5 on bail with certain conditions. Accordingly, the petitioners 4 and 5 are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 4 and 5 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 learned Judicial Magistrate



(ii) the petitioners 4 and 5 are directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 4 and 5 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].

10. In view of the above, I am inclined to grant anticipatory bail to the petitioners 1 to 3 with certain conditions. Accordingly, petitioners 1 to 3 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.2, Dindigul, and on their executing 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 learned Magistrate concerned and on further condition that the petitioners 1 to 3 shall appear before the respondent police as and when required for interrogation. The petitioners 1 to 3 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

11. The petitioners 1 to 3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
12/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO II,
DINDIGUL.
2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL.
4. THE OFFICER INCHARGE,
SUB JAIL FOR WOMEN, NILAKOTTAI.



6.THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

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

+2. CC to M/S.I.VELPRADEEP Advocate SR.Nos.2972,2934
+1. C.C. to Mr.T.VADIVELAN Advocate SR.No.2975

ORDER
IN
CRL OP (MD) No.2493 of 2020
Date :12/02/2020

PNN
TK/VR/SAR.4/12.02.2020/4P/11C