



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

Date : 06/03/2020

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.2904 of 2020

1.Avudaiappan
2.Devi
3.Jeleela
4.Agasthiyan

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Town-Police Station,
Thirumangalam,
Madurai District.
Crime No.Not Known of 2020

... Respondent/Complainant

For Petitioners : Mr.D.Balamurugapandi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Ms.J.Meenakshi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 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 section 420 of
I.P.C., in Crime No.Not Known of 2020 on the file of the respondent
police, seek anticipatory bail.



3.The Government Advocate(Crl.side) would submit that due to money dispute, complaint has been given by one Manorani against the petitioner herein stating that she pledged 127 sovereigns of gold at Karur Vaisiya Bank and gave a sum of Rs.25,00,000/- to the first and second petitioner and also sold her property and gave a sum of Rs.23,00,000/- to them. In addition, her daughter Saranya gave a sum of Rs.11,82,000/-. When they asked to repay the money, the petitioners herein refused to repay the same and have misappropriated the money and cheated them.

4.Per contra, the petitioners would submit that it is pure money transaction and the defacto complainant demanded exorbitant interest and the petitioners refused to pay the same and the defacto complainant has given a false complaint alleging cheating.

5.Considering the nature of the complaint, this Court is of the opinion that it is pure civil dispute. If at all there is any element of criminal and cognizable offence made out, same can be investigated without arresting the petitioners.

6.In the view of the above, I am inclined to grant anticipatory bail to the petitioners with 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, Thirumangalam, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakhs 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)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required;

(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 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]***; and;

(f). if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/03/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN-POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-4993[I] dated 09/03/2020)

ORDER
IN
CRL OP(MD) No.2904 of 2020
Date :06/03/2020

GNS
TK/PN/SAR.2/12.03.2020/3P/6C