



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3589 of 2020

1. Gandhimathi
2. Krishnan
3. Jeevaraj

... Petitioners/Accused Nos.2 to 4

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Virudhunagar District,
(Crime No.5 of 2020).

... Respondent/Complainant

For Petitioners : M/s.M.Jothi Basu,
Advocate.

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

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

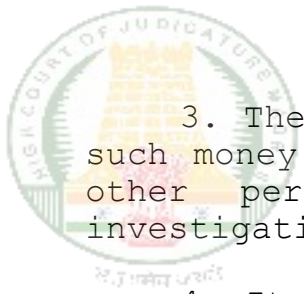
PRAYER :-

For Anticipatory Bail in Crime No.5 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC seek anticipatory bail.

2. The petitioners along with others who are close relatives after gaining confidence has cheated a huge sum of money by executing sale deed in their own name under the guise of mortgage deed and also misusing the ATM card of the defacto complainant has taken some money. Hence First Information Report came to be registered.



3. The learned counsel for the petitioners would submit that no such money has been taken away from the defacto complainant or any other persons and they are ready to co-operate with the investigation and ready to furnish the bank details.

4. It appears that from the year 2009, the petitioners and the defacto complainant were having good relationship regarding property transactions and out of some misunderstanding, the present complaint has been filed. If, at any event, there is any fraud, misappropriation or cheating, the same can be investigated even without arresting the petitioner and keeping them in jail. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 No.II, Virudhunagar on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 said Magistrate, 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 for interrogation.

[c] Before executing bail bond the each of the petitioners shall deposit a sum of Rs.2,00,000/- to the credit in Crime No.5 of 2020 on the file of the learned Judicial Magistrate No.II, Virudhunagar.

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

[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]**.



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

sd/-
02/03/2020

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/ /2020

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

TO

1. THE JUDICIAL MAGISTRATE No.II, VIRUDHUNAGAR.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, (SR-4591[I] dated 02/03/2020)

ORDER
IN
CRL OP(MD) No.3589 of 2020
Date :02/03/2020

AAV
TE/JC/SAR-I : 06/03/2020 : 3P/6C