



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

Date : 07/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.5667 of 2020

1. Gayathri
2. Jayaraman

... Petitioners/Accused 3 & 7

Vs

State Rep. by
The Sub Inspector of Police,
O/o, the Commissioner Off Police,
Madurai City, Madurai -7,
(Crime No. 24 of 2020).

... Respondent/Complainant

For Petitioners: M/s.R.R.Thamothar Raj,
Advocate.

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

For Intervenor : M/s.Joseph Jerry, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 24 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 420 and
506 (I) of I.P.C., in Crime No.24 of 2020 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that A2 and the defacto
complaint are friends. The 1st petitioner/A3 is the wife of A1 and
2nd petitioner/A7 is the father of the 1st petitioner/A3. The
defacto complainant and the other accused persons/ A2 to A7 are
family members. Believing the words of A2, the defacto complainant
invest his retirement benefits to the tune of Rs.31,00,000/- into
their jewellery business. But the accused persons have not given any
benefit to the defacto complainant and cheated the defacto
complainant. Hence, the complainant.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners were not about the business dealing between the defacto complainant and the other accused persons. The 1st petitioner is the wife of A1 and the 2nd petitioner is the father of the 1st petitioner and they are living separately. Further the 1st petitioner got divorce from his husband, who is A1. Primary allegation is only against the accused Nos.1 and 2. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case and hence, he prayed to anticipatory bail to the petitioners.

5. The learned counsel appearing for the defacto complainants submitted that the defacto complainant and the other accused persons are family friends. Believing the words of A1, the defacto complainant joint as a partner and invest his retirement benefits to the tune of Rs.31,00,000/- into their jewellery business and assured him to give share in the profit. But, A1 has not given any profit to the defacto complainant and cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

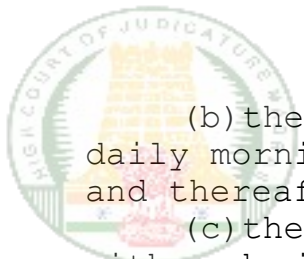
6. The learned Government Advocate (Crl. Side), on instructions, submitted that the defacto complainant and the other accused persons are family friends. Believing the words of A1, the defacto complainant joint as a partner and invest his retirement benefits to the tune of Rs.31,00,000/- into their jewellery business and assured him to give share in the profit. But, A1 has not given any profit to the defacto complainant and cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

7. Considering the facts and circumstances of the case and considering the fact that the main allegation against A1 only, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand 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

<https://hcdservices.gov.in/hcdservices/> identity;



(b)the 2nd petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on when required for interrogation;

(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]; and;

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

sd/-

07/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
O/O, THE COMMISSIONER OFF POLICE,
MADURAI CITY, MADURAI -7.

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

ORDER

IN

CRL OP(MD) No.5667 of 2020

Date :07/10/2020

DSS

<https://hcmjce.org.in/ncs/10.2020/3P/5C>