



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 07/10/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.6076 of 2020

1.Dhinakaran  
2.Mahalakshmi  
3.Saiprasanna  
4.Venkatesh

... Petitioners/Accused  
Nos.1 to 3 & 5

Vs

The State rep.by  
The Inspector of Police,  
Central Crime Branch,  
Madurai City, Madurai.  
Crime No.18 of 2020

... Respondent/Complainant

For Petitioners: M/s.R.Gandhi, Advocate.  
For Intervenor : Mr.J.Vijayaraja, 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. 18 of 2020 on the file of the Respondent Police.

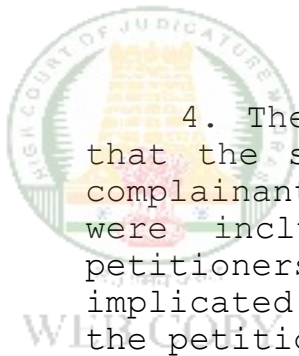
**ORDER :** The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 of I.P.C., in Crime No.18 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 to A3 & A5 and the defacto complainant are the close friends. Due to the financial crisis, the petitioners borrowed money from the defacto complainant to the tune of Rs.78 lakhs. Out of 78 lakhs, 38 lakhs was sent through bank transaction by the defacto complainant to the accounts of A1 to A3. After receipt of money, they did not repaid the same to 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.

<https://hservices.eprints.gov.in/hservices/>



4. The learned counsel appearing for the petitioners submitted that the said money transaction happened only between the defacto complainant and the 1<sup>st</sup> petitioner only. But, all the family members were included as an accused. 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 A1 to A3 & A5 and the defacto complainant are close friends. Due to the financial crisis the petitioners borrowed money from the defacto complainant to the tune of Rs.78 lakhs. Out of 78 lakhs, 38 lakhs was sent through bank transaction by the defacto complainant to the accounts of A1 to A3. After receipt of money they did not repaid the same to the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl. Side), on instructions, A1 to A3 & A5 and the defacto complainant are close friends. Due to the financial crisis the petitioners borrowed money from the defacto complainant to the tune of Rs.78 lakhs. Out of 78 lakhs, 38 lakhs was sent through bank transaction by the defacto complainant to the accounts of A1 to A3. After receipt of money they did not repaid the same to the defacto complainant. Hence, the complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

7. It is seen that the 1<sup>st</sup> petitioner borrowed a sum of Rs.78 lakhs from the defacto complainant. Thereafter, they failed to repay the amount. Admittedly, the said money transaction between the 1<sup>st</sup> petitioner and the defacto complainant. In which, the other family members also included as an accused.

8. Considering the above facts and circumstances, the custodial interrogation of the petitioners does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

9. 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, Court No.I, 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



(b)the petitioner 1, 3 & 4 shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of three 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

/ TRUE COPY /

/ /2020  
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.1, MADURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,MADURAI CITY, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.GANDHI Advocate SR.No.6885

ORDER IN  
CRL OP(MD) No.6076 of 2020  
Date :07/10/2020

DSS

<https://hccs.csls.gov.in/CaseDetails/10.2020/3P/6C>