



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8042 of 2020

1. M.Kasipandian
2. P.Veerammal @ Rajathi ... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli District,
Tirunelveli.
Crime No.1 of 2020. ... Respondent/Complainant

For Petitioners: M/s.S.Krishnan,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

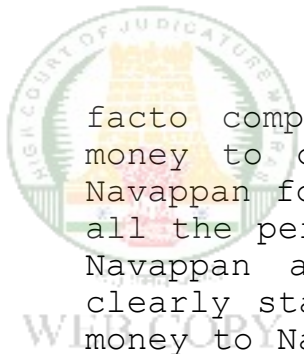
For Anticipatory Bail in Cr.No.1 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(ii) of I.P.C., in Crime No.1 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have received a sum of Rs.2,00,000/- for the purpose of getting a medical seat for the de-facto complainant's son and thereafter, they neither secured the medical seat nor refunded the money. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not received the money from the de-



facto complainant and the de-facto complainant directly sent the money to one Navappan. The petitioners also paid the money to Navappan for getting a medical seat. But the said Navappan cheated all the persons. Earlier, the petitioners gave a complaint against Navappan and his associates, wherein, the first petitioner has clearly stated that the de-facto complainant has directly sent the money to Navappan and he has not paid any money to the petitioners. He would further submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that now the First Information Report clearly states that the petitioners only received the money from the de-facto complainant for the purpose of getting medical seat.

5.I carefully considered the rival submissions and perused the materials placed on record.

6.On perusal of the records, it is seen that earlier, the petitioners are said to have filed a complaint against one Navappan and his associates in Crime No.431 of 2018, wherein, the first petitioner has clearly stated that Navappan cheated the entire money and the de-facto complainant has directly sent the money to the said Navappan.

7.Considering the facts and circumstances of the case and also considering the rival submissions, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two common 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 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 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]***; and;

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

sd/-
27/08/2020

/ 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.I, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT, TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8042 of 2020
Date : 27/08/2020

MS/JC/SAR-3/02.09.2020/3P.5C