



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

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9131 of 2020

1.P.Kaliyappan
2.P.Rohini

... Petitioners/Accused 2 & 4

Vs

The State rep.by
The Sub-Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
Crime No.34 of 2014.

... Respondent/Complainant

For Petitioners: Mr.A.Kumaragurubaran,
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. 34 of 2014 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420, 506(i) of IPC, in Crime No.34 of 2014 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons have run a chit fund and received a sum of Rs.1,00,000/- and 2.5 Sovereigns gold ornaments from the defacto complainant in various installments. Thereafter, the accused failed to repay the said amount. Hence, the present complaint.

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

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4.The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the alleged transactions took place in the year 2014. He further submitted that A1 and A3 have already been arrested and released on bail by the lower Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners along with other accused persons has run a chit fund and received a sum of Rs.1,00,000/- and 2.5 Sovereigns gold ornaments from the defacto complainant in various installments. Thereafter, the accused failed to repay the said amount. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the fact that he alleged transactions taken place in the year 2014 and the co-accused have already been arrested and released on bail by the lower Court, hence, 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 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.II, Sivakasi, 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:

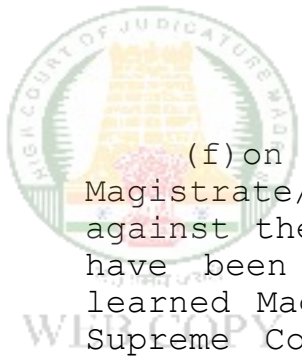
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only)to the credit of Crime No.34 of 2014, before the learned Judicial Magistrate No.II, Sivakasi, within a period of two weeks without prejudice to their rights and contentions before the trial Court;

(c)the petitioners shall report before the respondent police as and when required for interrogation.

(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]; and;

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

sd/-
31/08/2020

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/ /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 II, SIVAKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.KUMARAGURUBARAN, Advocate (SR-6199[I] dated 01/09/2020)

ORDER
IN
CRL OP(MD) No.9131 of 2020
Date : 31/08/2020

VSG
TK/VR/SAR.3/02.09.2020/3P/6C