



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.12478 of 2020

1. D.Lakshmi
2. R.Dinakaran

... Petitioners/Accused No.1and2

Vs

The State rep. by
The Inspector of Police,
City Crime Branch,
Madurai District.
Crime No. 44 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

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

For Intervener : Mr.M.Srinivasan,
Advocate.

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

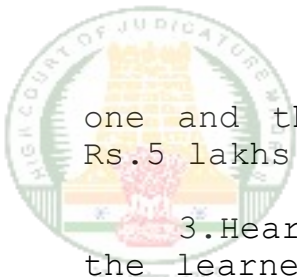
PRAYER :

For Anticipatory Bail in Crime No. 44 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 465 and 468 of IPC, in Crime No.44 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A-1 is wife of A-2 and A-1 represented that she is an agent of SBI life Insurance and she has insisted the defacto complainant to invest his retirement benefits in SBI mutual fund. Believing her words, the defacto complainant deposited a sum of Rs. 5 lakhs in the SBI mutual fund. After some period, the defacto complainant did not receive any interest as assured by the petitioners. While, insisted the accused persons they have issued receipt and on verification, it was found to be a fake



one and thereby, cheated the defacto complainant to the tune of Rs.5 lakhs. Hence, the complaint.

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

4. The learned counsel appearing for the petitioners submitted that the petitioners have borrowed a sum of Rs.1 lakh from the defacto complainant and A-1 is an agent of SBI life insurance and she has nothing to do with SBI mutual fund. He further submitted that to show their bonafidy, they are ready and willing to deposit the entire amount. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that totally there are two accused in which A-1 is wife of A-2, who represented the defacto complainant, as if an agent of SBI Life insurance and received money from the defacto complainant to the tune of Rs.5 lakhs to invest in the SBI mutual fund. On investigation, it is revealed that A-1 is not an agent of SBI life Insurance. He further submitted that there are two previous cases pending against the petitioners in similar offence under Section 420 of IPC.

6. It is seen that A-1 is wife of A-2. The petitioners said to have collected a sum of Rs.5 lakhs from the defacto complainant to invest in the SBI mutual fund and also issued fake receipts, as if the said amount was invested in SBI mutual fund and thereafter, found that the receipts are fake and the money was not invested in SBI mutual fund. It is revealed from the investigation that A-1 is not an agent. However, the accused persons are willing to deposit the entire amount to show their bonafidy.

7. Considering the fact and circumstances of the case and considering the submission made by the learned counsel appearing for the petitioners that they have already repaid a sum of Rs.1 lakh to the defacto complainant, the petitioners are directed to pay a sum of Rs.4 lakhs directly to the defacto complainant under acknowledgement and Rs.1 lakh to the credit of Crime No.44 of 2020 before the learned Judicial Magistrate No.I, Madurai District, on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

<https://hcservices.ecourtstg.in/hcservices/> 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 first 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 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 accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/11/2020

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

ORDER

IN

CRL OP(MD) No.12478 of 2020

Date : 05/11/2020

KSA

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