



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/01/2020
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19513 of 2019

1. Palani Murugan
2. Nathiya

... Petitioners/Accused No.1 & 2
- Vs-

State Rep.by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(Crime No.303/2019)

... Respondent/Complainant

For Petitioners : M/s.R.Udhayakumar, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.303 of 2019 on the file of the respondent.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences under sections 417, 420 and 406 of I.P.C., in Crime No.303 of 2019, on the file of the respondent police, seek anticipatory bail.

3. The defacto complainant is the victim in this case. The defacto complainant had parted with sum of Rs.1,40,000/-. The specific case of the petitioners is that one Malaisamy who had acted as an agent is the eventual recipient of the amount and that the petitioners had only parted with the money. They had not done anything more. The petitioners' counsel would bring to my attention of a hand written letter written by Malaisamy admitting his liability.

4. Be that as it may, it is not in dispute that the money passed through the banking channels. Therefore the petitioners cannot wash away their responsibility. Since it is a case of job



racketing, I am not inclined to grant relief to the first petitioner. The criminal original petition stands dismissed as far as the first petitioner is concerned.

5. However, the second petitioner is the wife of the first petitioner. The first petitioner appears to have played the main role. Even while dismissing the petition as regards the first petitioner, I am inclined to grant anticipatory bail to the second petitioner, who is the wife of the first petitioner. Since the materials on record clearly points out the involvement of one Malaisamy, the respondent will have to necessarily arraign Malaisamy as one of the accused in this case.

6. With this direction, I am inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Keeranur, Pudukkottai District, and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
02/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKKOTTAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE, KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.UTHAYA KUMAR, Advocate (SR-105[I] dated 03/01/2020)
ORDER IN
CRL OP(MD) No.19513 of 2019
Date :02/01/2020

MS/JC/SAR-2/08.01.2020/2P.6C

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