



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)Nos.1263 & 1120 of 2021

Sujatha ... Petitioner/Accused No.2
in Crl OP(MD)No.1263 of 2021

Sugumaran ... Petitioner/Accused No.3
in Crl OP(MD)No.1120 of 2021

Vs

The State rep.by
The Inspector of Police,
City Crime Branch, Trichy.
in Crime No.14/2020.

... Respondent/Complainant
in both the petitions

In both petitions:

For Petitioner : Mr.S.Senthil Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)
in both the petitions

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.14 of 2020 on the
file of the Respondent police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406,
420, 467, 294(b) & 506(i) IPC in Crime No.14 of 2020 on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other
accused initiated a scheme and as per the scheme, the members have
to pay Rs.1,000/- per month for 60 months and after completion of 60



months, a plot will be registered. Believing the words of the accused persons, the defacto complainant paid Rs.15,000/-. After receiving the money, the accused persons neither registered the plots nor returned the money. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that since the Government passed an order in the year 2017 stating that un-approved plots have not to be registered and therefore, the plots could not be registered immediately. Thereafter, the accused persons applied for approval of the plots in the year 2018. In the mean time, the defacto complainant lodged the present complaint. He also submitted that the defacto complainant only paid Rs.15,000/- and as per the scheme he has to pay balance amount of Rs.45,000/-. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that A1 in this case was arrested and released on bail. Believing the words of the accused persons, several members have deposited the amount. However, the accused persons failed to register the plots. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the above facts and circumstances of the case and considering the fact that co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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.V, Trichy, 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:

(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 appear before the respondent Police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> 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/-
19/03/2021

/ TRUE COPY /

/ /2021
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.V, TRICHY.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to Mr.S.SENTHIL KUMAR, Advocate (SR-2334,2335[I] dated 22/03/2021)

ORDER IN
CRL OP(MD) No.1263 of 2021
Date :19/03/2021

GNS

<https://hcservices.ecourts.gov.in/hcservices> (25/03/2021) 3P / 7C