



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

Date : 17/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD)No.4004 of 2021

1.M.Pandiyarajan
2.P.Sheela Devi

... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai District
Cr No.213 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Niranjana S.Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime no. 213 of 2021 on the
file of the respondent Police.

ORDER : The Court made the following order :-

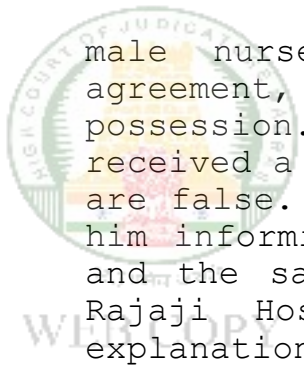
The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
406 & 420 IPC in Crime No.213 of 2021 on the file of the respondent
police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received
a sum of Rs.2 Lakhs from the defacto complainant and failed to repay
the same. When the defacto complainant questioned about the same,
the petitioners promised to lease out their residence to him and
failed to do so. 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. 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 the investigation is pending.

5.It is seen that the petitioners received a sum of Rs.2 Lakhs
on interest from the defacto complainant. The allegation of the
defacto complainant is that for the loan amount, the petitioners had
promised to let the house of the petitioners, which has been
allotted to the first petitioner, in view of he is being employed as



male nurse in Government Rajaji Hospital. Contrary to the agreement, despite received money, they had not handed over the possession. The contention of the petitioners is that they only received a sum of Rs.1.5 Lakhs and except that the other allegations are false. On his complaint the Housing Board has sent a notice to him informing that the housing board is only allotted to employees and the same communication was also sent to the Dean, Government Rajaji Hospital. The first petitioner was also called for explanation and he also submit his explanation that no such sub-let was done by him. From the complaint it is seen that the defacto complainant is a money lender.

6.Considering the above facts and circumstances of the case and considering the fact that custodial interrogation is not necessary in this case, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 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.

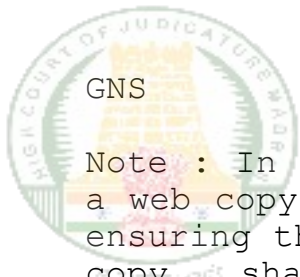
Sd/-

17.03.2021

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



GNS

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.

WEB COPY

TO

1. The Judicial Magistrate No.I, Madurai.

2. -Do- Through The Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thallakulam Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.NIRANJAN S.KUAMR, Advocate (SR-2266[I]dated 18/03/2021)

ORDER

IN

CRL OP(MD) No.4004 of 2021

Date : 17/03/2021

VB VR SAR 2 (24.03.2021) 3P 6C