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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/04/2021
PRESENT
The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD).Nos.4360 and 5435 of 2021

1.Palanichamy ...Petitioner/Accused No.1
in Crl.O.P(MD)No.4360 of 2021

2.Geetha ... Petitioner/Accused No.2
in Crl.O.P(MD)No.5435 of 2021

Vs

The State rep by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Cr.No.2616 of 2020. ... Respondent/Complainant
in both Crl.O.Ps.

For Petitioners: Mr.M.MUTHUKUMAR
Advocate, in Crl.O.P(MD)No.4360 of 2021

: MR.V. RAMALINGAM
Advocate, in Crl.O.P(MD)No.5435 of 2021

For Respondent : Mr.K.R.Bharathi Kannan,
Government Advocate (Crl.Side)
in both Crl.O.Ps.

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

COMMON PRAYER :-

To Anticipatory Bail in Crime No.2616 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 120(b), 406, 420, 465 and 506(ii) IPC, in Crime No.2616 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the second accused practiced as Sidha Doctor at the relative's hospital of the defacto complainant. She introduced the first accused to the defacto complainant and thereby they given assurance that they would secure the job of Executive Engineer in Tamil Nadu Cement Company and got a sum of Rs.22 lakh on 11.11.2019 at about 6.30 p.m. within the

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premise of Vellammal Medical College, Madurai. As an acknowledgment, the first accused gave a cheque bearing No.051199 for Rs.22 lakh. Thereafter, the the accused have not secured the job as promised. When the defacto complainant presented the cheque for collection, it was informed that the signature of the first accused differed. Then, on 19.08.2020, the petitioners went to the accused house and demanded money. The petitioners promised that they would repay the entire amount on or before 28.11.2020 and issued a cheques bearing No.578144 for Rs.12 lakh and 578143 for Rs.10 lakh. Even thereafter, the petitioners have not paid the amount. Hence, the case has been registered.

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

4.The learned counsel for the petitioners submitted that now the petitioners have repaid a sum of Rs.22 lakh to the defacto complainant. Hence, he seeks anticipatory bail to the petitioners.

5.The learned counsel for the defacto complainant/intervenor has also admitted that the petitioners have repaid a sum of Rs.22 lakh to the defacto complainant.

6.The learned Government Advocate (Crl.side) has also conceded that the matter has been settled between the parties since the petitioners have repaid a sum of Rs.22 lakh to the defacto complainant. Due to the payment of Rs.22 lakh by the petitioners to the defacto complainant, the custodial interrogation is not required. Hence, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, 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 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 first petitioner/A1 shall report before respondent police daily at 10.30 a.m., until further orders and the second petitioner/A2 shall report before the respondent police as and when required for interrogation;

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[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];**

[**f**]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

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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.VI, MADURAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD).Nos.4360 and 5435 of 2021
Date : 29/04/2021

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