



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

Date : 17.08.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.5047 & 5050 of 2021

Crl.OP. (MD)No.5047 of 2021

Lakshmipriya

...Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
District Crime Branch Police Station,
Madurai District.
Crime No.2 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.J.Chakkkaravarthy
Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

Crl.OP. (MD)No.5050 of 2021

Balakumar

...Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
District Crime Branch Police Station,
Madurai District.
Cr.No.2 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Muneeswaran,
Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the
Respondent Police.

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

<https://hcservices.ecourts.gov.in/hcservices/>



The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.2 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are husband and wife. The defacto complainant has availed services of this petitioner in Crl.O.P.(MD)No.5047 of 2021 for intra-trade business in the share market and has paid a sum of Rs.57,75,700/- from 20.05.2020 to 13.08.2020. The accused persons instead of investing the money in the share market have spent money for their personal expenses. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and after deducting loss, the petitioners have repaid a sum of Rs.46,39,800/- to the defacto complainant through google pay.

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

5.Considering the facts and circumstance of the case,the nature of allegations levelled against the petitioners,and the repayment of the partial amount this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, these criminal original petitions are allowed and 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.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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the 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.

sd/-
17/08/2021

/ TRUE COPY /

/ /2021
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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.J.CHAKKARAVARTHY, Advocate (SR-5472[I]
dated 18/08/2021)

+1.CC to Mr.T.MURUGANANTHAM, Advocate SR.No.5471 dated 18/08/2021

ORDER
IN
CRL OP(MD) No.5047
and 5050 of 2021
Date :17/08/2021