



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

Date : 03/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD).No.6913 of 2021

1. S.Malathi @ Kamatchi
2. D.Srinivasan @ Seenivasan ... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.165/2021)

... Respondent/Complainant

For Petitioners : Mr.I.Pinaygash,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

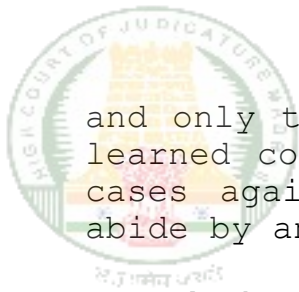
PRAYER :- For Anticipatory Bail in Crime No.165/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest by the respondent police for an offence punishable under Sections 294(b), 506(i) and 420 of IPC have filed the present anticipatory bail petition.

2.The case of the prosecution is that the petitioners are running on online trading business and they had lured the defacto complainant to invest in the business and thereby they had collected a sum of Rupees Eight Lakhs and also 39 sovereigns of gold jewels from the defacto complainant. The further case of the prosecution is that the petitioners had repaid only a sum of Rupees Three Lakhs and had cheated the defacto complainant.

3.The learned counsel appearing for the petitioners submitted that the case which is purely a business transaction has been given a criminal colour. It was submitted that even as per the FIR, the petitioners have returned the original amount of Rupees Six Lakhs



and only the remaining profit amount alone has not been paid. The learned counsel further submitted that there are no other previous cases against the petitioners and the petitioners are willing to abide by any condition imposed by this Court.

4. The learned Additional Public Prosecutor submitted that the petitioners were conducting an online trading business and they had collected money and gold jewels from the defacto complainant and cheated the defacto complainant.

5. Taking into consideration all the facts and circumstances of the case and also the nature of transaction that had taken place between the parties and considering the allegations made in the FIR, this Court is convinced that no custodial interrogation is required in this case and anticipatory bail can be granted to the petitioners by imposing certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Karaikudi, and execute fresh personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b] the second petitioner shall report before the respondent police every Friday, at 11.00 a.m., for a period of four weeks and thereafter as and when required and the first petitioner shall appear before the respondent police as and when required;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 thereafter abscond, a fresh FIR can be
registered under Section 229A IPC.

sd/-
03/06/2021

WEB COPY

/ 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, KARAIKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6913 of 2021
Date :03/06/2021

SM
MS/MNR/SAR-3/08.06.2021/3P.5C