



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

Date : 05/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7357 of 2021

1. Baby Shanthi,
2. P.Muthurani Lavanya
3. K.Jeyentheran
4. N.Senthilkumar
5. N.Satheeshkumar

... Petitioners/Accused Nos.1 to 5

Vs

State of Tamil Nadu Represented by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.4 of 2021).

... Respondent

Tamil Selvi

... Intervene Petitioner/Petitioner
in CRL MP(MD)No.3913 of 2021 in
CRL OP(MD)No.7357 of 2021

For Petitioners : Mr.R.Suresh Kumar for Mr.G. Bala
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.T.Lajapathi Roy, Advocate

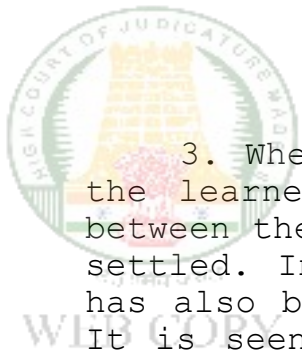
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.4 of 2021 on the file of
the respondent police.

ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
406, 420, 447 and 506(ii) of IPC, in Crime No.4 of 2021, seek
anticipatory bail.

2.Heard the learned counsel for the petitioner, the learned
Additional Public Prosecutor (Crl.side) and the learned counsel for
the intervenor.



3. When the matter is taken up for hearing, it is submitted by the learned counsel appearing for the intervenor that the issues between the petitioner and the defacto complainant had been amicably settled. In this regard, a Joint Memo of Compromise and settlement has also been filed by the petitioner and the defacto complainant. It is seen from the Memo of Compromise that the first and second petitioners have agreed to pay a sum of Rs.75,00,000/- (Rupees Seventy Five Lakhs Only) to the defacto complainant as per the following schedule:

The Schedule of payment is as under:-

a) A sum of Rs.20,00,000/- within 4 weeks from the date of orders passed by Hon'ble Madurai Bench of Madras High Court.

b) A sum of Rs.20,00,000/- would be paid within 4 weeks from the date of payment of the above said first installment.

c) A sum of Rs.20,00,000/- would be paid within 4 weeks from the date of payment of the above said second installment.

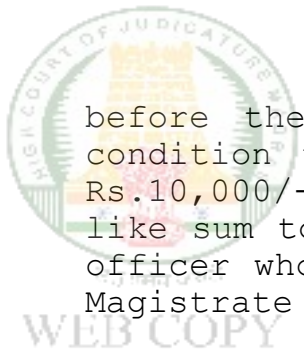
d) A sum of Rs.15,00,000/- would be paid as last and final settlement within 4 weeks from the date of payment of the above said third installment.

e) The criminal case shall be quashed after the payments as scheduled above is paid in full.

4. It is also submitted that once the payment is made, the parties will take steps for quashing the criminal case. Further, it is submitted by the learned counsel for the petitioners that the Account No.1733102000003612 of the petitioners in IDBI Bank, Thuraiyur Branch is freezed by the respondent police and only if this account is de-freezed by the respondent, they will be in a position to make the payment as per the schedule. The learned counsel for the defacto complainant has also no objection to de-freeze the account. Therefore, the respondent is directed to defreeze the account to transfer the payment.

5. Taking into consideration the facts of this case and also the fact that the settlement has been reached between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Since the matter is settled, it is not necessary for the petitioners to appear before the respondent police. The Joint Memo of Compromise and settlement shall be a part of this order.

6. 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.I, Tiruchirappalli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties 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 petitioners shall report 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]**;

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

sd/-

05/07/2021

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

TO

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

+1 CC to M/s.BALA & DAISI, Advocate (SR-4383[I] dated 07/07/2021)

ORDER IN

CRL OP(MD) No.7357 of 2021

Date : 05/07/2021

tta/ssb

AE/SKN/SAR-V/09.07.2021/3P/6C