



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9042 of 2021

1. Preethi Iswariya,
2. Selvi,
3. Kuttiyama @ Preethi Archana,
4. Hariharan @ Ganesan

... Petitioners/Accused
No.1 to 4

Vs

State rep.by
The Inspector of Police,
O/o. the Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime.No.19/2021).

... Respondent/Complainant

For Petitioners : M/s.Rajaselvan.R., Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : M/s.M.S.Jayakarthik, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.19 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 alleged offences punishable under Sections 404, 294(b), 420 and 506(ii) IPC, in Crime No.19 of 2021, seek anticipatory bail.



2.The case of the prosecution is that there was a marriage proposal between the first accused and the son of the defacto complainant and betrothal was also conducted on 27.08.2017. While so, the petitioners have borrowed a sum of Rs.40,00,000/- under the guise of educational expenses from the defacto complainant. Since the first petitioner married another person, the defacto complainant asked the petitioners to repay the money. But, the petitioners have not returned the above said amount, but abused the defacto complainant in filthy language and intimidated criminally. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submitted that the petitioners are taking steps to return the money.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the the petitioners' have cheated the defacto complainant by way of marriage proposal between first accused and the defacto complainant's son and also received a sum of Rs.40,00,000/- and the same was not returned to the defacto complainant.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against this petitioners and also of the fact that the petitioners are taking steps to return the money, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is 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.II, Dindigul, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees twenty Five 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 a.m., 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/-
30/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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.II,
DINDIGUL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
O/O.THE INSPECTOR OF POLIE,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.



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

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+1. CC to M/S.M.S.JEYAKARTHIK.R. Advocate SR.No.6775

ORDER

IN

CRL OP (MD) No.9042 of 2021

Date :30/09/2021

SP/PN/SAR III/20/10/2021/4P/6C