



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/08/2021
PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11561 of 2021

WEB COPY

1. PERIYAKARUPPAN
2. C.THANGAVELU
3. T.PANDISELVI

... PETITIONERS/ACCUSED A3,A4,A6

VS

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI.
(CRIME NO. 18 OF 2021).

... RESPONDENT/COMPLAINANT

A.IRULAPPAN

... INTERVENER/DEFACTO COMPLAINANT
IN CRL MP(MD) No.6277 of 2021 in
CRL OP(MD) No.11561 of 2021

For Petitioners : Mr.N.R.ELANGO, Advocate for
Mr.A.Murali Kumar, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)
For Intervenor : Mr.J.Jeyakumaran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3, A4 and A6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 468, 471, 420, 120(B) IPC and 34 of IPC in Crime No.18 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The allegation as against these petitioners is that the de-facto complainant has parted a sum of Rs.3,50,00,000/- to the first accused for purchasing properties in Sivagangai District. In turn, the first accused transferred the money in Hawala. The entire transaction was made in Singapore and the money was transferred to India through hawala transaction and the first accused has purchased the property in favour of these petitioners and cheated the de-facto complainant.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have nothing to do with the transaction between the first accused and the de-facto complainant. Even according to the de-facto complainant, there is no materials to show that there is any money transaction between the first accused and the de-facto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the entire transaction had taken place in Singapore and the same was transferred through hawala transaction and the first accused, who is also in Singapore probably would have cheated the de-facto complainant.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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, Sivagangai, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall appear before the respondent police as and when required for interrogation.

(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]***; and;



(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/08/2021

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/ /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 NO.II,
SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI.
4. ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11561 of 2021
Date :25/08/2021

sj i
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