



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11788 of 2021

1. Muthulakshmi

2. G.Karthick

3. G.Meena ... Petitioners/Accused Nos.1,2 and 5

Vs

The State represented by
The Inspector of Police,
Central Crime Branch,
Madurai.

Cr.No.22 of 2021. ... Respondent/Complainant

For Petitioner : Mr.R.Gandhi,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.E.Meyyappan

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

PRAYER :-

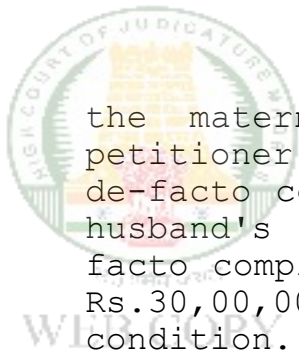
For Anticipatory bail in Crime No.22 of 2021 on the file of the Respondent police.

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 294(b), 420 and 506(1) of IPC in Crime No.22 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the petitioners are close relatives. The first petitioner is

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



the maternal aunt of the de-facto complainant and the third petitioner is her sister-in-law's daughter. In 2018, the de-facto complainant's husband died and she received money from her husband's family members. The first petitioner promised the de-facto complainant for securing a job at Aavin and received a sum of Rs.30,00,000/- from her, taking advantage of the poor financial condition. Thereafter, the third petitioner is said to have received Rs.2,00,000/- through bank account on 03.05.2020. Then the petitioners failed to arrange for employment. It is further alleged that the first petitioner in order to develop A4's business, received sum of Rs.22,00,000/- on 25.08.2020 and thereafter, in September, 2020, A1 and A3 one Gurukannan received a sum of Rs.40,00,000/- for the purchase of two tavera cars. While asking for the return of money, the petitioners threatened the de-facto complainant with dire consequence. According to the complainant, she already lodged a complaint before the S.S.Colony Police Station and during the course of enquiry, the petitioners agreed to return the money. But they did not return the money. Hence, the case.

3.The learned counsel for the petitioners submitted that the de-facto complainant has converted a money transaction between the close relatives by giving a criminal colour and the petitioners have not received any money from the de-facto complainant either for securing employment or for development of their business. In fact the first petitioner borrowed a sum of Rs.3,00,000/- from the de-facto complainant and agreed to return the same. However, demanding higher interest, she started creating problem with the first petitioner. Therefore, the first petitioner lodged a complaint against the de-facto complainant on 07.01.2021. On knowing the same, the de-facto complainant lodged a counter complaint before the respondent police on 19.01.2021. On 04.02.2021, the petitioners were summoned for enquiry and during the course of enquiry, the truth came out and the complaint given by the de-facto complainant was closed directing both the parties to approach the civil Court for seeking appropriate relief. On 07.01.2021, the de-facto complainant has given a statement that she would approach the Court for settling the money transaction. Thereafter, the de-facto complainant lodged another complaint before the Assistant Commissioner of Police, Thilainagar Madurai. The petitioners were summoned for enquiry on 22.02.2021. During the course of enquiry, the Assistant Commissioner of Police harassed and ill treated the petitioners at the instance of the de-facto complainant. Hence, the petitioners filed a direction petition before this Court and the same was taken on file in Crl.O.P.(MD)No.2257 of 2021. After hearing both sides, the said petition was disposed of on 15.03.2021 and after recording the submission of police that it is purely a money transaction and the parties were advised to settle the dispute before the Competent Civil Court. In fact at the earliest point of time, on 07.01.2021, the first petitioner lodged a complaint before the Assistant Commissioner of Police, S.S.Colony Police Station and the same



was taken on file in C.S.R.No.17 of 2021 and both the parties were directed to resolve it before the Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent opposed for grant of anticipatory bail on the ground that the petitioners 1 and 3 were already arrested and remanded to judicial custody and the investigation is yet to be completed.

5.Considering facts and circumstances of the case and the fact that the petitioners 1 and 3 were already arrested, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 3 and this petition is dismissed as against the petitioners 1 and 3.

6.Insofar as the second petitioner is concerned, the overt act attributed against him is that during the enquiry, the petitioner has abused the de-facto complainant and also criminally intimidated her. Considering the nature of offence and the previous complaint, this Court is inclined to grant anticipatory bail to the second petitioner and this petition is allowed, so far as the second petitioner is concerned.

7.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the second petitioner 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 second petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

In fine, this petition is partly allowed.

sd/-

25/08/2021

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-I
MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI.

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

+1. CC to Mr.R.GANDHI, Advocate SR.No.5732

ORDER

IN

CRL OP(MD) No.11788 of 2021

Date :25/08/2021

SJI

SS/JC/SAR-IV/07.09.2021 : 4P/6C