



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

Date : 08/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12102 of 2021

1.Kalimuthu
2.Ambika
3.Devaki
4.Priya @ Jeya Bharathi
5.Vignesh Kumar
6.Muthupandi

... Petitioners/Accused Nos.1 to 6

Vs

The State rep.by,
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.165/2021)

... Respondent/Complainant

Sudhan ... Petitioner/Intervener/Defacto Complainant

For Petitioners : Mr.G.Prabhu Rajadurai, Advocate.
For Mr.M.S.Jeyakarthik, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Srinivasan, Advocate.

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

PRAYER :-For Anticipatory bail in Crime No.165 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 468, 471, 406, 420, 294(b) and 506(i) I.P.C, in Crime No.165 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to financial necessity, the defacto complainant has approached a trust namely 'People Educational and Economical Development Trust' for getting lawyers. The petitioners along with other accused have received huge



amounts from the defacto complainant and others for arranging business loan, but have cheated the defacto complainant and others. Hence, the complaint.

3.The learned counsel for the petitioners submits that the issue has been settled amicably. He further submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that a sum of Rs.3,19,000/- has been paid by the petitioners to the defacto complainant. However, the nature of allegation is that the trust itself is a forged one. Therefore, it is a matter for investigation.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the subsequent development of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Court, Aruppukkottai, 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 1 and 2 shall appear before the respondent police daily at 10.30 a.m until further orders.

(c)the petitioners 3 to 6 shall appear before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

WEB COPY

sd/-
08/09/2021

/ 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,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-6112[I] dated 09/09/2021)

ORDER
IN
CRL OP(MD) No.12102 of 2021
Date :08/09/2021

MSA
MK/PN/SAR.I/23.09.2021/3P/6C