



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12144 of 2021

1. S.Maharajan
2. Nanthini
3. Ilangovan

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.432 of 2021).

... Respondent/Complainant

For Petitioners : Mr.D.S.HAROON RASHEED,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Government Advocate (Crl.Side)

For Intervenor : Mr.B.AZHAGESH, Advocate
for Mr.P.P.ALWIN BALAN, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.432 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 120(b), 294(b), 406, 420 and 506(i) of IPC, in Crime No.432 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first accused was running the saloon shop and the defacto complainant was introduced as a customer. They developed a good relationship and the first petitioner has received a sum of Rs.3 lakhs on various occasion from the defacto complainant for the purpose of his business. Thereafter, he did not repay the said amount and thereby, cheated the defacto complainant. 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.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the the petitioners have not only cheated the defacto complainant but also several persons and apart from this case, 63 cases have been registered against the petitioners before the Thallakullam Police Station, Madurai District and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegations against the petitioners, 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, Melur, on condition that the petitioners shall execute a separate 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 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 as and when required.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/09/2021

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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
MELUR

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

3. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12144 of 2021

Date : 03/09/2021

SA/JC/SAR.4/23.09.2021/3P/5C