



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

Date : 10/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP MD)No.15021 of 2021

WEB COPY

1. Amarnath,
2. A.Vijayalakshmi,

... Petitioners/Accused No.1,2

Vs

State Through
The Assistant Commissioner of Police,
City Crime Branch,
Tirunelveli.
(Cr.No.21 of 2021)
(Amended as Per Order Dated 03.12.2021
in Crl.MP(MD)No.10724/2021 in
Crl.OP(MD)No.15021 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Prabhu Rajadurai G,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

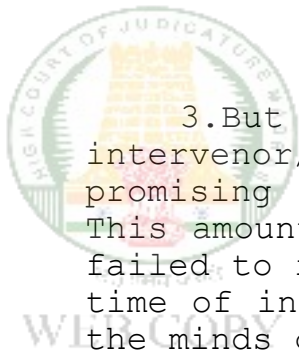
PRAYER :-

For Anticipatory Bail in Crime No.21 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of
the respondent police for the offences punishable under section 420
of I.P.C., in Crime No.21 of 2021 on the file of the respondent
police, seek anticipatory bail.

2.The petitioners are facing charge for the offence under
section 420 of IPC. According to the petitioners, there was a
business transaction between the petitioners and the de-facto
complainant. But however by giving a criminal colour, this complaint
has been given by the de-facto complainant stating that as if, he
lent money for the purpose of developing the business of the
petitioners and later, they cheated while demanding the money back.
For the purpose of prima facie proving with regard to the
petitioners business, the petitioners also enclosed the statement of
accounts.



3. But however, the learned counsel appearing for the intervenor/de-facto complainant would submit that the petitioners promising to repay the amount of Rs.29,00,000/- with 1% interest. This amount has been paid through cheque. But later the petitioners failed to repay the amount. It is further submitted that even at the time of inception of the transaction, the intention of cheat was in the minds of the petitioners, because the first petitioner has given wrong name. So this sort of giving wrong name, even at the time of inception of the transaction, is a matter for consideration during the course of investigation. According to him, this is not a business transaction as projected by the petitioners and if it is really a business transaction, there would be documents showing the supply of articles and other delivery invoices, which ought to have been filed by the petitioners. But they have not produced those documents.

4. Now whatever it may be, on going through the complaint, it is seen that it was a money transaction between the parties. Whether there was any intention to cheat the complainant or whether any business transaction between them, is a matter for investigation. So there is no question of custodial interrogation or arrest of the petitioners.

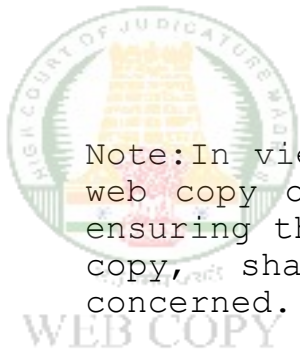
5. In the view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Tirunelveli, and on their executing 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 condition that the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

5. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
10/12/2021

/ 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 No.1, Tirunelveli.

2.Do-Through The Chief Judicial Magistrate,
Tirunelveli District.

3.The Assistant Commissioner of Police,
City Crime Branch,
Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.PRABHU RAJADURAI G Advocate SR.No.9163

ORDER

IN

CRL OP(MD) No.15021 of 2021

Date :10/12/2021

RS/JM/SAR4(16.12.2021) 3P-6C