



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.13494 of 2022

1 S.VIVEK
2 S.GAJALAKSHMI
3 GANDHIMATHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION(WEST)
R.S.PURAM COIMBATORE DISTRICT
CR.NO.24 OF 2022.

[RESPONDENT]

For Petitioner : M/S.A.JEYARAM Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S W.CAMYLES GANDHI

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 495 and 498(A) of IPC in Crime No.24 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that by suppressing the previous marriage first accused cheated the defacto complainant and the petitioners have cheated a sum of Rs.8,00,000/- from her and pledged her jewels in the Bank. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

3.The learned counsel for the intervenor submitted that by suppressing the previous marriage first accused married the defacto complainant. Further, he received a sum of Rs.8,00,000/- from the



defacto complainant and pledged her 17 sovereigns of gold jewels in the bank.

4. The learned Additional Public Prosecutor would submit that the first petitioner cheated to the tune of Rs.8,00,000/- from the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.As far as the first petitioner is concerned, the custodial interrogation of the petitioner is required. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner.

6. Though the second and third petitioners are relatives of the first accused, this Court is inclined to grant anticipatory bail to the second and third petitioners with certain conditions.

6. Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Coimbatore, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second and third 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the second and third petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the second and third 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 and third petitioner in accordance with law as if the conditions have been imposed and the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

15/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
R.S.PURAM COIMBATORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.JEYARAM Advocate on payment of necessary charges
Sr.9460

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges Sr.9145

CRL OP.13494/2022

Date :15/06/2022

RVR 21/06/2022