



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.02.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.606 of 2022

1. Arunachalam
2. Balaji

...Petitioners/ Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
City Crime Branch,
Madurai City.
(Crime No.47 of 2019)

... Respondent/Complainant

For Petitioners : Mr.A.S.Rajeswari
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

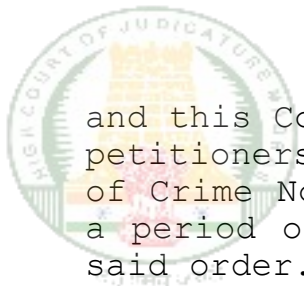
PRAYER :-For Anticipatory Bail in Crime No.47 of 2019 on the file of the Respondent police.

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), 406, 420 and 506(1) IPC, in Crime No.47 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A1 and A2 are non-resident Indians and doing business at Malaysia. A3 introduced the petitioners to the defacto complainant. Believing the words of the A1 and A3, the defacto complainant sent pooja materials to them, in which, there is a delay in repayment to the tune of Rs.80 lakhs. Apart from that, the defacto complainant's company license has been misused by the petitioners, after receipt of notice from KVB Bank as well as RBI. Hence, the complaint.

3.It is not in dispute that the petitioners have filed a petition, in Crl.O.P. (MD) No.4743 of 2020, seeking anticipatory bail



and this Court has passed an order dated 18.06.2020 and directed the petitioners to deposit a sum of Rs.7,00,000/- jointly to the credit of Crime No.47 of 2019 on the file of the respondent police, within a period of eight weeks from the date of receipt of a copy of the said order.

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4.The learned counsel for the petitioners would submit that the petitioners, as per the direction of this Court, have deposited a sum of Rs.7,00,000/- on 12.08.2020 before the Court of the Judicial Magistrate No.2, Madurai and produced the copy of the receipt issued by the learned Magistrate. She would further submit that since the petitioners were in Malaysia, they were not in a position to furnish the sureties and that therefore, they were constrained to file the above petition.

5.Considering the fact that the petitioners were already granted anticipatory bail by this Court and also taking note of the fact that the petitioners already deposited a sum of Rs.7,00,000/- as per the direction of this Court, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, 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 No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

(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]***; and;

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

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/ /2022
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.I,
MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.A.S.RAJESWARI, Advocate SR.No.851.

ORDER
IN
CRL OP(MD) No.606 of 2022
Date : 07/02/2022

CSM
MK/MS/SAR.I/10.02.2022/3P/7C