



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/02/2022
PRESENT

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

CRL OP(MD) . No.1339 of 2022

1. Uma Maheswari
2. Veera Selvam
Vs
... Petitioners/Accused No.3 & 4

1.The State represented by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai District.
(Earlier Crime No.372 of 2021).

2.The State represented by
The Inspector of Police,
Economic Offences Wing, Madurai.
(Crime No.05 of 2021).
... Respondent/Complainant

For Petitioners: Mr.M.Jerin Mathew,
Advocate.

For R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

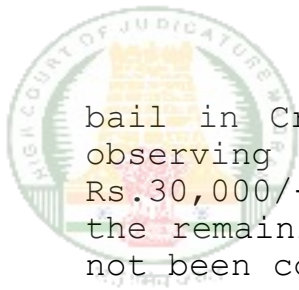
PRAYER :-For Anticipatory Bail in Crime No.05 of 2021 on the file of the second respondent police.

ORDER : The Court made the following order :-

The petitioners/A.3 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(1) IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, in Crime No.05 of 2021 on the file of the second respondent police, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner has borrowed some money from the defacto complainant and when the defacto complainant asked to return the money, the petitioners and other accused abused and criminally intimidated him. Hence, the complaint.

3.It is evident from the records that the petitioners along with other two accused have filed an application for anticipatory



bail in Crl.O.P.(MD)Nos.17101 & 16990 of 2021 and this Court, by observing that the earlier orders of this Court, to pay the amount Rs.30,000/- within the time stipulated by this Court and to settle the remaining amount within the time stipulated by this Court, have not been complied with, has dismissed the petition.

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4.It is not in dispute that subsequently, the accused 1 and 2 were arrested and remanded to judicial custody.

5.Admittedly, the first petitioner herein is the daughter and the second petitioner is the son-in-law of the accused 1 and 2.

6.When the matter is taken up for hearing today, the learned counsel for the petitioners has filed an affidavit sworn by the petitioners and wherein, they have undertaken to deposit a sum of Rs.30,000/- within a time stipulated by this Court and also would endeavor to settle the amount within a period of six months subject to correct amount as per records.

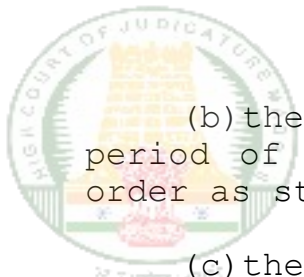
7.The learned Additional Public Prosecutor for the respondent would submit that the petitioners are not having any previous cases.

8.Considering the nature of charges levelled against the petitioners and also taking note of the undertaking affidavit given by the petitioners and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

9.Accordingly, the petitioners are directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.05 of 2021 on the file of the second respondent police, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned District Sessions Court, TNPID Court, Madurai.

10.On production of such receipt/acknowledgment, 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 District Sessions Court, TNPID Court, 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 pay the remaining amount within a period of six months from the date of receipt of a copy of this order as stated in the affidavit filed by the petitioners;

(c)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;

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

sd/-

25/02/2022

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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 DISTRICT SESSIONS JUDGE,
TNPID COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE
SUBRAMANIAPURAM POLICE STATION,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.1339 of 2022

Date :25/02/2022

CSM

MK/SBN/SAR.I/09.03.2022/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>