



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 21/02/2022

Pronounced : 01/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1280 of 2022

1. Saranikha
2. Tamilarasi

: Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.16 of 2022).

: Respondent/Complainant

For Petitioner : M/s.Jegadeeshpandian.M,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.Krishnaveni, Advocate

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

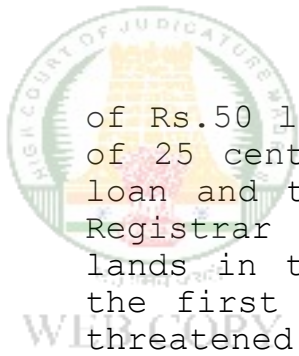
PRAYER :-

For Anticipatory Bail in Crime No.16 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) IPC, in Crime No.16 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are friends since their childhood, that later the first petitioner developed intimacy with the defacto complainant, that the defacto complainant gave money upto 25 lakhs on several occasions to the first petitioner in order to start business for her brother, that when the first petitioner asked a sum



of Rs.50 lakhs, the defacto complainant gave his own land an extent of 25 cents to the first petitioner as collateral for the banking loan and the same came to be registered before the Uthamapalayam, Registrar Office, that the first petitioner sold out 7 cents of lands in the 25 cents and that when the defacto complainant asked the first petitioner to cancel the sale deed, the petitioners had threatened the complainant with dire consequences. Hence, the complaint.

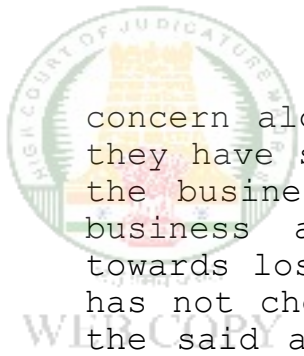
3.The case of the petitioners is that the petitioners and the defacto complainant are family friends, that there was money transactions between them and subsequently, thereafter, disputes arose between them several times, that since the defacto complainant had continuously harassed the petitioners, the first petitioner was forced to lodge a complaint before the respondent and after enquiry, the same was amicably settled, that the first petitioner has then lodged another complaint before the respondent and on that basis, FIR came to be registered in Crime No.17 of 2022 for the offence under Sections 294(b), 324, 506(ii) IPC and Section 4 of TNPWH Act.

4.It is not in dispute that the first petitioner is the daughter of the second petitioner.

5.The learned counsel for the petitioner would submit that the petitioners are innocents and they are hailing from respectable family and that a false case has been lodged against them wantonly by the defacto complainant.

6.The learned counsel for the intervenor would submit that first petitioner is the wife of one Jegadees, that the first petitioner seduced the defacto complainant telling various reasons along with the help of the second petitioner and believing the facts narrated and exhibited by the petitioners, complainant used to help them by giving money and that the complainant has given more than Rs.25,00,000/- in person and through account. He would further submit that the complainant subsequently came to know that the first petitioner was already married to one Kailash @ Kalanidhi and she has now been living with another person, namely, Jegadees, that the complainant after coming to know about the same, has demanded his money and the land for which, the petitioners had threatened the complainant with dire consequences.

7.The learned counsel for the petitioners would submit that the defacto complainant has borrowed a sum of Rs.8,00,000/- for his family expenses that thereafter, complainant's mother Tmr.Nagalakshmi has borrowed a sum of Rs.25,00,000/- to restore their property, that subsequently, the complainant and the first petitioner's husband had commenced Coir Mattress business jointly that the petitioners had invested Rs.25,00,000/- for the said business, that since the first petitioner's husband was in abroad, the first petitioner alone has been managing the office of the said



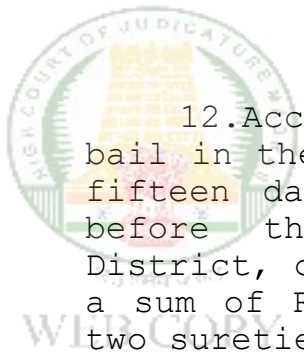
concern along with the complainant, that due to Covid-19 pandemic, they have suffered a huge loss and hence, they have decided to stop the business and to get their shares, that after considering the business accounts, the complainant after deducting Rs.9 lakhs towards loss, has returned Rs.16 lakhs, that the defacto complainant has not chosen to repay Rs.8 lakhs and also Rs.25 lakhs, that when the said amount was demanded, the complainant has been postponing the same and subsequently, he has agreed to sell his property having value of Rs.35 lakhs, that after deducting Rs.25 lakhs, the complainant has received balance sale price of Rs.10 lakhs and executed a sale deed and that when the remaining loan amount was demanded, the complainant has started to threaten the petitioners, that he had threatened that he will release some 2,300 photos alleged to have been taken, when the first petitioner and the complainant were on business trip and that he had also threatened to inform her husband, that there was illicit affairs between himself and the first petitioner.

8.The petitioners have produced the copy of the complaint given to the Superintendent of Police and the receipt issued therefor. The petitioners have also produced the statement of accounts of the first petitioner maintained in Axis Bank to show that amounts were sent to the account of the defacto complainant. He has also produced a complaint allegedly given by her husband Jegadees from Dubai alleging that some unknown person called him on a particular mobile number and threatened to cause physical damage, kill his family members living in India, if he did not pay ransom money of Rs.1 Crore and the message sent by the Dubai Police for the receipt of the same.

9.The learned Government Advocate (Criminal Side) appearing for the State would submit that there existed some personal relationship between the defacto complainant and the first petitioner and that there were money transactions between them and that two FIRs came to be registered on the basis of the complaints lodged by both the parties.

10.Considering the rival contentions, it is clearly evident that the defacto complainant has been alleging that the petitioners had cheated him and whereas the first petitioner has been alleging that the defacto complainant had cheated them.

11.Considering the above facts and circumstances of the case and also the fact that there existed some money transactions dispute between them and that the case in counter is pending in Crime No.17 of 2022 against the defacto complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



12. 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, Uthamapalayam Theni District, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

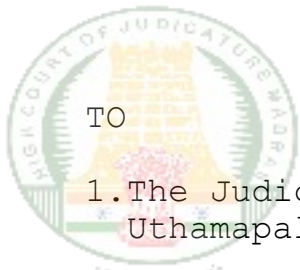
01/03/2022

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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 Judicial Magistrate,
Uthamapalayam, Theni District.
- 2.Do-Through The Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Cumbum North Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.1280 of 2022
Date :01/03/2022

RS/PN/SAR.1 (07.03.2022) 5P-5C