



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

Date : 08/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3726 of 2022

Shanmuganathan @ Shanmugam

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Musiri,
Trichy District.
(Crime No.3/2022)

... Respondent/Complainant

P.Prema

... Intervener / Defacto Complainant
IN CRL MP(MD) No.2906 of 2022

For Petitioner : Mr.M.Subash Babu,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

For Intervenor : M/s.J.Madhu, Advocate.

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

PRAYER :-

For Anticipatory bail in Crime No.3/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 406 IPC, in Cr.No.3 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the divorcee, that the petitioner had physical relationship with the de-facto complainant on the promise of marriage and received her jewels and money and later, cheated her. Hence, the complainant.

3.After filing of the above petition, the de-facto complainant has filed an intervening petition stating that the accused took advantage of the earlier relationship and gave false promise that he would marry her and had physical relationship with her on many occasions and that they were live-in-relationship and during that



time, the petitioner had taken $\frac{1}{4}$ sovereign of gold stud and Rs.50,000/- cash from her.

4.The learned counsel for the petitioner would submit that the petitioner is ready to return the said jewels and cash.

5.When the matter is taken for hearing today, the learned counsel for the petitioner would submit that the petitioner has already handed over $\frac{1}{2}$ sovereigns of stud to the de-facto complainant.

6.The learned counsel for the intervenor would submit that the de-facto complainant has also received the same and he has no objection for allowing this petition.

7.The learned Government Advocate (Crl. side) has also produced a copy of the letter given by the intervenor, wherein, she stated that she received $\frac{1}{2}$ sovereigns of gold stud and she will receive the amount of Rs.50,000/- before the trial Court without prejudice to her rights and contentions.

8.Considering the above facts and circumstances and also considering the nature of charges levelled against the petitioner and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the 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 petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the 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 petitioner in accordance with law as if the conditions

https://hcservices.ebar.gov.in/hcservices/ 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]***; and;
(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/03/2022

WEB COPY

/ TRUE COPY /

/ /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,
MUSIRI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 CC to M/s.J.MADHU, Advocate (SR-1816[I] dated 08/03/2022)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-1863[I] dated 09/03/2022)

ORDER
IN
CRL OP(MD) No.3726 of 2022
Date :08/03/2022

sj i
MK/PN/SAR.IV/16.03.2022/3P/7C