



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6862 of 2022

1. Sakthi Sri
2. Venkatesh

... Petitioners/Accused 11 & 12

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai.
Crime.No.5/2022.

... Respondent/Complainant

Vijayalakshmi

... Petitioner / Defacto Complainant
IN CRL MP(MD)No.5071 of 2022

For Petitioner : M/s.S.P.Veerapandi,
Advocate.

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

For Intervenor : Mr.B.Jameel Arasu, Advocate.

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

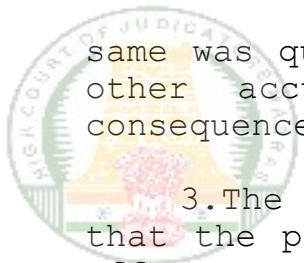
PRAYER :-For Anticipatory Bail in Crime No.5 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A11 & A12, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 468, 471, 420, 120(B) and 506(1) IPC, in Crime No.5 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused approached the de-facto complainant and told that there is a scheme namely, "Amudhasurabi", in which, money deposited in the said scheme will be doubled in a short period and advised the de-facto complainant to deposit money in the said scheme. Believing their words, the de-facto complainant had deposited a sum of Rs.1,29,35,000/- in favour of the accused persons on various dates, for which, the de-facto complainant has received Rs.8,74,000/- as share. The remaining amount of Rs.1,20,61,000/- has not been returned by the accused and when the

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same was questioned by the de-facto complainant, the petitioner and other accused threatened the de-facto complainant with dire consequences. Hence, the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have not directly involved in the said crime as the liability laid on them is only Rs.15,00,000/-. Further, A1 and A2 have transacted the money through the bank account of the petitioners without their knowledge. He would further submit that A1, A2, A17 and A18 were already released on bail by the trial Court and A3 was already granted anticipatory bail. Hence, he prays for anticipatory bail.

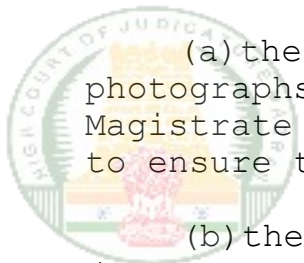
4.The learned Additional Public Prosecutor would submit that there are 18 accused involved in this case and the petitioners are arrayed as A11 and A12 and they are husband and wife. He would further submit that earlier the first petitioner/A11 moved bail by this Court in CrI.O.P.(MD)No.8325 of 2022 and the same was allowed on 29.04.2022 on condition to deposit a sum of Rs.5,00,000/- to the credit of Crime No.5 of 2022 before the learned Judicial Magistrate No.II, Sivagangai. He would further submit that a sum of Rs.5,00,000/- was credited in the first petitioner's account and Rs.10,00,000/- was credited in her husband/second petitioner's account and that now the petitioner's husband/A12 is absconding. Hence, he strongly opposed to grant anticipatory bail to the petitioner/A12.

5.The learned counsel for the intervenor concedes the submission made by the learned Additional Public Prosecutor.

6.At this juncture, the learned counsel for the petitioners seeks permission of this Court to not press this petition as against the first petitioner/A11 is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as not pressed as against the first petitioner.

7.Considering the facts and circumstances of the case and also considering the facts that the co-accused were already granted bail and anticipatory bail, this Court is inclined to grant anticipatory bail to the second petitioner/A12 with certain conditions.

8.Accordingly, the second petitioner/A12 is ordered to be released on bail in the event of his 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 No.2, Sivagangai, on condition that the second petitioner/A12 shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 second petitioner/A12 and the sureties shall affix their photographs and left thumb impression in the surety bond. The Magistrate may obtain a copy of their Aadhar card or Bank pass book to ensure their identity;

(b) the petitioner/A12 shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.5 of 2022 before the learned Judicial Magistrate No.2, Sivagangai, within a period of three weeks, without prejudice to his rights and contentions, failing which, the anticipatory bail granted to the petitioner/A12 shall stand automatically cancelled;

(c) the second petitioner/A12 shall report before the respondent police daily at 10.30 am until further orders.

(d) the second petitioner/A12 shall not tamper with evidence or witness either during investigation or trial;

(e) the second petitioner/A12 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 second petitioner/A12 in accordance with law as if the conditions have been imposed and the second petitioner/A12 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/11/2022

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/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.2, SIVAGANGAI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, SIVAGANGAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-13901[I] dated 29/11/2022)

ORDER IN

CRL OP(MD) No.6862 of 2022

Date :28/11/2022

SJI

MK/VR/SAR 1/16.12.2022/3P/6C

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