



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

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PRESENT

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

CRL OP(MD). No.12410 of 2022

1. Packiam

2. Lalitha

... Petitioners/Accused 2 & 3

Vs

1.The State rep.by,
The Inspector of Police,
District Crime Branch,
Dindigul
(Crime No. 4 of 2022).

... Respondent/Complainant

2.Rajalakshmi

... Petitioner/Intervener
in Crl MP(MD)No.8147 of 2022

For Petitioner : M/s. Muthukamatchi.V,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Sarvagan Prabhu, Advocate

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

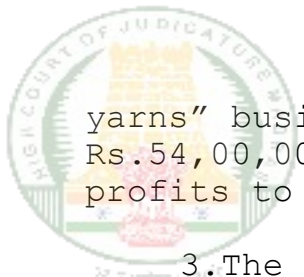
PRAYER :-

For Anticipatory Bail in Crime No. 4 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 and 506(ii) IPC in Crime No.4 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioner's husband / A1 and the defacto complainant's husband are friends. A1 requested the defacto complainant's husband to invest "visual



yarns" business, believing their words he has also invested Rs.54,00,000/-. Subsequently, A1 neither repay the amount nor give profits to him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the civil suit is pending in O.S.No.307 of 2022 for recovery of money and seeks anticipatory bail. The learned counsel for the intervenor also admitted about the pending of civil suit.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners failed to repay the amount and cheated the defacto complainant and the civil suit is pending before the Court below.

5.Considering the facts and circumstances of the case and also considering the fact that the civil suit is pending before the Court below, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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,II, Dindigul, on condition that the petitioners 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 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 petitioners 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 petitioners shall report before the Inspector of Police, All Women Police Station, Ammapetti Police Station, Salem daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with 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) 5560]**; and;

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

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/10/2022

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

TRP

TO

1.THE JUDICIAL MAGISTRATE NO,II, DINDIGUL.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-10473[I] dated
23/09/2022)

+1 CC to M/s.M/S. MUTHUKAMATCHI.V, Advocate (SR-10409[I] dated
23/09/2022)

ORDER
IN
CRL OP(MD) No.12410 of 2022
Date :22/09/2022

RK/GB/SAR- 1(30/09/2022) 3P/7C