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

Date : 22/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.12996 of 2022

1. Rani
2. Dhanraj

... Petitioners/Accused
No.1 and 2

Vs

State rep.by
The Inspector of Police,
Town (East) Police Station,
Thanjavur.
(Crime No.481 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Pethu Rajesh.P, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.481 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.481 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the Defacto Complainant is that he worked as a Headmaster at Hindu Middle School, Keezlavasal and at that time Al, who worked as a noon-meal organizer, informed him that she is a member in a Women Self Working Group and that if he join in a scheme at that group and deposit the amount every month which will yield Rs.34,00,000/- after six years. Believing the



words of A1, the defacto complainant has paid a sum of Rs.22,98,390/-, but, the petitioner along with other accused refused to give a sum of Rs.34,00,000/- after maturity. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that because of money dispute a false complaint was given against the petitioners. He further submitted that during the relevant period A1 was working as a Noon-Meals Organiser in the school where the defacto complainant was working and that the defacto complainant misusing the accounts of A1 and taking advantage of the transactions through her now, claiming exorbitant interest. He further contended that after enquiry, the petitioner repaid the amount of Rs.90,000/- and in order to satisfy some of the persons, the defacto complainant has given a false complaint. He further submitted that other than getting a salary as noon-meal organiser, A1 has not benefited even a single paisa in the transaction and as far as the 2nd petitioner is concerned he is a husband of A1 and absolutely there is no averments against him and thereby, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant worked as a Headmaster in the Hindu Middle School, Keezlavasal and at that time A1 was working as a Noon meal organiser in the said school and that A1 had received the amount to the tune of R.22,98,000/- from the defacto complainant through her bank account and subsequently, cheated him and hence, he objected for granting anticipatory bail to the petitioners.

5.Heard the learned counsels and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **(*)learned Judicial Magistrate No.I, Thanjavur**, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 respondent police everyday at 10.30 a.m., for a period of four weeks, thereafter every Saturday 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)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

22/12/2022

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(*)Amended as per order of this Court dated 22/02/2023 in CrI.M.P.(MD)No.3006 of 2023 in CrI.O.P.(MD)No.12996 of 2022

Time is extended by two weeks from the date of receipt of copy of this order.

/03/2023

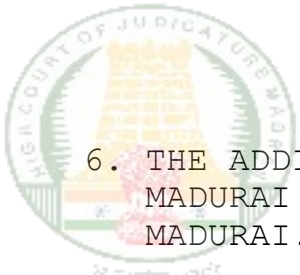
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

(*)To be substituted with the order which already depatched on 06/01/2023

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
- 3 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
- 4 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
5. THE INSPECTOR OF POLICE,
TOWN (EAST) POLICE STATION,
THANJAVUR.



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

+2 CC to M/S. PETHU RAJESH.P Advocate SR.Nos.2733 & 2744
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ORDER

IN

CRL OP (MD) No.12996 of 2022

Date :22/12/2022

MGJ/SAR I/10/03/2023/4P/9C