



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14843 of 2022

1. Samsudheen
2. Raheema Begam @ Alipath
3. Jannathul Firthous ... Petitioners/Accused Nos.2,3 & 4

Vs

The State rep.by
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi.
in Crime No.249/2021.

... Respondent/Complainant

For Petitioner : M/s.SIVASUBRAMANIAN.A, Advocate.
For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.249/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2,3&4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b), 506(1) and 109 of I.P.C, in Crime No.249 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that the accused persons approached her to purchase 58 goats. After arriving sale amount of Rs.5,95,000/-, Rs.1,000/- was paid as advance and the goats were taken by the first accused. Balance amount was agreed to be paid within 20 days from 22.06.2020 in the presence of the petitioners. Undertaking was also executed by the first accused. But, after that, he defaulted and cheated. Based upon the complaint given by the defacto complainant, present case has been registered against the accused persons. The first accused was arrested and remanded to judicial custody. These petitioners are the wife and children of the first accused.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. Reading of the CD file shows that the undertaking letter was executed by the first accused to the defacto complainant to pay the amount within 20 days from 22.06.2020. When that was not complied, present case has been registered. Nowhere in the above said undertaking, these petitioners are not shown as witnesses or the guarantor. Bald allegation has been made to the effect that these petitioners are present at the time of undertaking given by the first accused.

5. The learned counsel for the petitioners would submit that all the petitioners are married and living separately from the first accused.

6. In the above said undertaking made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Tenkasi, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

18/08/2022

/ TRUE COPY /

/09/2022

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
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI.

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

ORDER

IN

CRL OP(MD) No.14843 of 2022

Date :18/08/2022

DSS

SA/SVR/SAR.4/02.09.2022/3P/5C