



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/01/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16955 of 2021

1.Jancy
2.Jayachandran

... Petitioners/A1 and A2

Vs

The State rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No.578/2021

... Respondent/Complainant

For Petitioners: M/s.M.E.RANISELVAM
Advocate.

For Respondent : Mr.RMS.SETHURAMAN
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.578 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 417, 406, 448, 422, 120B, 420 and 506(2) IPC in Crime No.578 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the de-facto complainant are the owners of adjacent lands. Due to the said relationship, the second petitioner requested a loan from the de-facto complainant to start a business at Chennai and the de-facto complainant gave a sum of Rs.18,00,000/- and the petitioners have signed in the stamp papers for the said loan amount. The petitioners agreed to pay the interest for the said loan amount and thereafter, failed to pay the interest and threatened the de-facto complainant with dire consequence. Hence, the complaint.

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



4.The learned Additional Public Prosecutor for the respondent police submitted that the petitioners promised to pay the interest for receiving a sum of Rs.18,00,000/- from the de-facto complainant and later, failed to repay the same. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

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5.A reading of the First Information shows that there was a money transaction issue between the petitioners and the de-facto complainant and according to the learned Additional Public Prosecutor, the petitioners promised to pay the interest for receiving a sum of Rs.18,00,000/- from the de-facto complainant and later, failed to repay the same. It was found that the company alleged to have been run by the petitioners also found to be non-existent. On the basis of the complaint, a case has been registered. For the purpose of making settlement, the matter was referred to the mediation and because of the non appearance of the de-facto complainant, the matter could not be settled and on going through the averments made in the First Information Report, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Uthamapalayam, 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.

7.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/-

12/01/2022

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/ /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
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16955 of 2021

Date :12/01/2022

SA/PN/SAR.1/03.02.2022/3P/5C