



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.16219 of 2022

1.S.Rekha @ Reka
2.S.Chellammal

...Petitioners/Accused Nos.1 and 2

Vs

The State of Tamilnadu
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District,
in Crime No.495 of 2022.

... Respondent/Complainant

For Petitioners : Mr.R.Balakrishnan
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.495 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 506(i) of IPC in Cr.No.495 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner has borrowed a sum of Rs.2,50,000/- from the defacto complainant and promised to repay the same but not repaid. Thereafter the petitioners came to the Muthoot Finance company, where the defacto complainant is working and gave a sum of Rs.5,00,000/- for redeeming the jewels and asked him to adjust the loan amount which was borrowed from the defacto complainant and to redeem the jewels. The petitioners failed to repay the balance amount to the defacto complainant, thereby committed cheating. Hence the complaint.



3. On the side of the petitioners it is stated that the petitioners have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. The petitioners and the defacto complainants are having money transaction between them. To cheat the petitioners, the defacto complainant has falsely gave a complaint against the petitioners and pray the petitioners to be released on anticipatory bail.

4. On the side of the prosecution it is stated that there was money transaction between the petitioners and the defacto complainant. A counter case was also filed against the defacto complainant.

5. In view of the submissions made by both sides and considering the nature of the offences and considering that there is a counter case this Court is inclined to release the petitioners on anticipatory bail on the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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 FII registered under Section 229-A IPC.

sd/-
08/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. BALAKRISHNAN R Advocate SR.No.9810.

ORDER
IN
CRL OP(MD) No.16219 of 2022
Date :08/09/2022

pnn
MK/VR/SAR.II/19.09.2022/3P/6C