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CRL OP(MD). N



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

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17995 of 2022

1.Jeyaraj

2.Dhanalakshmi

... Petitioners/Accused Rank not known

Vs

State represented by  
The Inspector of Police,  
Virudhunagar West Police Station,  
Virudhunagar.  
(Crime No.169 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Sivabalan.K,  
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.169 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 alleged offences punishable under Sections 120B, 408, 379 and 109 of IPC, in Crime No.169 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, who are the parents of the first accused, had misappropriated a sum of Rs.9,00,000/- from the defacto complainant and utilized the same to their daughter's marriage. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been implicated in this case.

<https://www.hcblr.org.in/judg>



4.The learned Government Advocate (Criminal side) appearing for the respondent police would submit that investigation is almost completed.

5.Considering the above facts and circumstances of the case and also the fact that the petitioners are not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.1, Virudhunagar, on condition that the petitioners shall execute a 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** each to the credit of Crime No.169 of 2022 without prejudice to their rights and contentions before the trial Court. On such deposit, the defacto complainant is permitted to withdraw the same, after filing of an undertaking affidavit before the concerned Court.

(c) the petitioners shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.,** for a period of six weeks, and thereafter, as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]**; and;



(g)if the accused / petitioners thereafter absconds, sh  
FIR can be registered under Section 229-A IPC.

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I  
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
VIRUDHUNAGAR WEST POLICE STATION,  
VIRUDHUNAGAR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.SIVABALAN K Advocate SR.No.11102

ORDER

IN

CRL OP(MD) No.17995 of 2022

Date :07/10/2022

SS/TR/11/10/2022/ 3P 6C