



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

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.19490 of 2021

Sudalaimuthu : Petitioner/Accused

Vs.

State Represented by
The Sub Inspector of Police,
DCB Police Station,
Tirunelveli.
(Crime No.18 of 2021)

: Respondent/Complainant

Priyanka : Intervener/Defacto Complainant/
Petitioner
in CRL MP(MD) No.11435/2021

For Petitioner : Mr.G.Sakthivel, Advocate
For Respondent : Mr.SS.Madhavan
Government Advocate (Criminal)
For Intervener : M/S.A.Dharani, Advocate

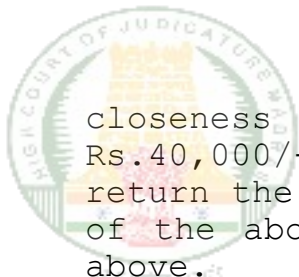
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 408, 420, 294(b), 506(ii) IPC, in Crime No.18 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was running a computer software company in her native place. The accused was also an employee. Taking advantage of the above employment, the accused person took photographs of the de-facto complainant, when she was close and she treated the accused as one of the family members. He is also looking after the company affairs etc., For the purpose of helping the petitioner, she received Rs.10,00,000/- promising to repay the same within a month. During the course of the above said employment, Rs.2.85 lakhs was transferred to his account, which was also not returned. When that money was demanded, she was assaulted and also threatened by the accused saying that the photograph, which was taken during the



closeness and she was also criminally intimidated. He also stolen Rs.40,000/- towards his salary. Later the petitioner promised to return the amount of Rs.15,95,725/-. But later refused. On the basis of the above said complaint, a case has been registered as stated above.

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3. Seeking anticipatory bail, this petition is filed by the petitioner on the ground that he was working as an employee of the de-facto complainant and he also followed the instructions that was given by her. Due to family problem, he was forced to resign his job and only over that issue, the complaint has been given. Seeking anticipatory bail, this petitioner filed Crl.MP No.5434 of 2021 before the Principal Sessions Judge, Tirunelveli and that came to be dismissed, by order, dated 01/12/2021.

4. Reading of the complaint as well as hearing of the learned counsel appearing for the intervener shows that some sort of trouble arose between the de-facto complainant and the accused herein. Now the de-facto complainant says that Rs.15,95,725/- is liable to be paid by the petitioner and when that was demanded back, she was assaulted. The nature of serious allegation made against the petitioner is that he threatened the de-facto complainant. When such serious allegation has been made, the discretionary relief of anticipatory bail cannot be granted to the petitioner. The allegation require thorough investigation.

5. It is also seen that at one point of time, the de-facto complainant and the petitioner were in close relation. According to the de-facto complainant, the petitioner promised to marry her and only on that scope, they were moved with each other closely.

6. As mentioned earlier, what went wrong for the above said relationship is not clear on record. It is a matter for investigation. To show the injuries sustained by the de-facto complainant due to the assault made by the petitioner, she has also produced the photographs.

7. Considering the allegation made against this petitioner, the petitioner is not entitled to the discretionary relief of anticipatory bail.

8. Accordingly, this criminal original petition is **dismissed**.

sd/-
12/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SUB INSPECTOR OF POLICE,
DCB POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S. SAKTHIVEL.G Advocate SR.No.1639.

ORDER

IN

CRL OP (MD) No.19490 of 2021

Date :12/01/2022

USK/JM/SAR-I/20.01.2022/3P/4C