



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.19963 of 2021

1. Mary Saroja
2. Thatheyus
3. Arul Dhas

... Petitioners/Accused
No.1 to 3

Vs

State rep.by
The Inspector of Police,
Colachel Police Station,
Colachel,
Kanyakumari District.
(Crime No 254 of 2018).

... Respondent/Complainant

For Petitioners : M/s.Rajkumar Sen A, Advocate.

For Respondent : Mr.B. Thanga Aravindh
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.254 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 34 IPC, in Crime No.254 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons were running un-registered chit funds invited subscription from the public and cheated Rs.2.25 Lakhs of the defacto complainant and



other public. Based on the above said complaint, a case has been registered against the petitioners in Crime No.254 of 2018 wherein three accused persons have been arrayed as A1 to A3. During the course of investigation, the name of the second accused has been deleted from the case stating that he has not involved in the said offence. On perusal of the CD file it is seen that the said name amendment was not stated in the file and it is stated by the investigating Officer before this Court that the name of the accused 1 and 2 have been deleted, but the name of the accused No.2 only deleted. It is also seen from the CD file that this Court by order dated 01.09.2021 in CrI.O.P(MD).No.12562 of 2021 directed the respondent to complete the investigation within a period three months from the date of receipt a copy of this order, but, the said order was not complied with.

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 Government Advocate (CrI. Side) for the respondent police submitted that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering that the fact this Court has already directed the respondents to complete the investigation within a period of three months and the same has not been completed, 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 learned Magistrate, Eraniel, Kanyakumari District, 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 petitioner 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/-
26/07/2022

/ TRUE COPY /

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



1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.19963 of 2021
Date :26/07/2022

SP/JM/SAR III/04/08/2022/3P/5C