



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18830 of 2022

1. Gunasekaran,

2. Dhara,

... Petitioners/Accused
(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.
(Crime No.22 of 2022)

... Respondent/Complainant

(Amended as per the order of
this Court dated 17/11/2022 in
Crl.MP(MD)No.14054 of 2022 in
Crl.OP(MD) .No.18830 of 2022)

For Petitioner : M/s.Mayilvahana Rajendran C,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.22 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 offences punishable under Sections 34,
420, 323, 506(i) and 509 of IPC, in Crime No.22 of 2022, seek
anticipatory bail.

The case of the prosecution is that the defacto complainant is
a divorcee and the son of the petitioners is a widower. He was
introduced by her friend namely Bharathi. The marriage was performed
between them on 15.02.2021. He demanded money from her and the same
received by him on various dates. After receiving the amount, he
avoided her and refused to return the amount of Rs.9,20,000/-.
Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners herein are only in-laws. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the son of the petitioners cheated the amount of Rs.9,20,000/- from the defacto complainant. Now, the defacto complainant is living separately. The investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, **each petitioner** shall pay a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of **Crime No.22 of 2022** without prejudice to their rights and contentions before the trial Court.

7.On production of such receipt, 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, Additional Mahila Court, Tiruchirappalli No.III, Tirunelveli, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

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

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

(e)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;



(f)if the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
25/11/2022

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/12/2022

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,
ADDITIONAL MAHILA COURT, TIRUCHIRAPPALLI NO.III,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MAYILVAHANA RAJENDRAN C Advocate SR.No.13794

**ORDER
IN**

CRL OP(MD) No.18830 of 2022
Date :25/11/2022

DSS
SA/SSS/SAR.3/01.12.2022/3P/6C