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

Date : 07/12/2022

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

**CRL OP(MD) . No.21623 of 2022**

G.Srinivasan

... Petitioner/Accused

Vs

State rep.by  
The Inspector of Police,  
All Women Police Station,  
Karur.  
(Crime No.9 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Suresh K, Advocate.

For Respondent : Mr.A. Albert James,  
Government Advocate (Crl.Side)

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

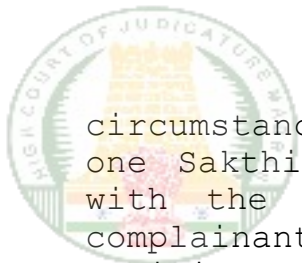
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420, 493, 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.9 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Doctor, during the year 2001, the de facto complainant was working as a part time Nurse under the petitioner's Clinic and at that time she was also working as FMO at EID Sugar Factory. While so, the accused informed about his willingness to live with the and in that



circumstances, on 22.10.2007, the de facto complainant got married one Sakthivel and settled at Bangalore. Due to the relationship with the petitioner and the de facto complainant, the defacto complainant's husband divorced her. Subsequently, both the petitioner and the de facto complainant renewed their relationship and they are living together. Further, the allegation against the petitioner is that based on the acquittance, he has received a sum of Rs.4,00,000/- from the defacto complainant and subsequently, cheated her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the complaint given against the petitioner is false and he is having two daughters in the marriageable age. He further submitted that earlier the defacto complainant was working under the petitioner and in order to grab the money form him, she gave a false complaint. He further contended that in respect of very same allegation the defacto complainant has given so many complaints and during the enquiry, it was found false and the same were closed. Now, the present complaint given before the Judicial Magistrate and based on the reference under Section 156(3) Cr.P.C., a case has been registered. He further contended that in order to show his bonafide, the petitioner is ready to deposit a sum of Rs.2,00,000/- before the Court concerned and seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is in living relationship with the defato complainant and that he had received a amount of Rs.4,00,000/- from her, later, refused to return the money and cheated her. He further submitted that based on the direction from the learned Judicial Magistrate under Section 156(3) Cr.P.C., a case has been registered. He wold further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5. I have heard and perused the First Information report. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to deposit a sum of Rs.2,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Additional Mahila Court (Magisterial Level), Karur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



[a] the petitioner 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 petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.9 of 2022 on the file of the Court concerned, without prejudice to his rights and contentions before the trial Court within a period of two weeks. Thereafter, the trial Court is directed to re-deposit the said amount in any one of the Nationalized Banks in the interest bearing fixed deposit scheme and disposal of the same shall be decided at the conclusion of the trial;

[c] the petitioner shall appear before the respondent police daily at 10.30 am for a period of one week and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-  
07/12/2022

/ TRUE COPY /

/12/2022  
Sub-Assistant Registrar (C.S.II)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP



1. THE JUDGE, ADDITIONAL MAHILA COURT,  
(MAGISTERIAL LEVEL), KARUR.

2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KARUR DISTRICT.

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

+1. CC to M/S.SURESH K Advocate SR.No.14512

ORDER  
IN  
CRL OP (MD) No.21623 of 2022  
Date :07/12/2022

SP/VR/SAR II/14/12/2022/4P/6C