



WEB COPY



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

Date : 14/12/2022

PRESENT

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

CRL OP(MD) . No.21869 of 2022

1. Velmurugan
2. V.Rajalakshmi

... 1 & 2 Petitioners/1 & 2 Accused

Vs

State rep.by
The Inspector of Police,
Town (*)West Police Station,
Dindigul Town,
Dindigul District.
(Crime No.247 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Sarvagan Prabhu S, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.247 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.247 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto Complainant, is that A1 borrowed a sum of Rs.11,00,000/- from the defacto complainant for a business partnership. Later, A1 repaid a sum of Rs.6,00,000/- through bank transaction, but failed to repay the balance of Rs.5,00,000/- and whereas, for the said amount the



defacto complainant insisted the A1 to include him to as a business partner in a paint dealership business. But, A1 failed to induct the defacto complainant as a partner and cheated a sum of Rs.5,00,000/-. Hence, the present complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case of money transaction between the petitioners and the defacto complainant. He would further submit that the A1's father had issued a cheque to the defacto complainant and the defacto complainant has also presented the same, since it was returned a complaint has been preferred under Section 138 of Negotiable Instruments Act. Now, in order to recover the balance amount a false complaint has been given against the petitioners. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners induced the defacto complainant to join him in partnership firm and received a sum of Rs.11,00,000/- and repaid a sum of Rs.6,00,000/- and failed to pay the balance amount of Rs.5,00,000/- and hence, he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the **(**)learned Judicial Magistrate No.I, Dindigul, Dindigul District**, on condition that the petitioners shall execute 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 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 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 everyday at 6.30 p.m., for a period of two weeks, thereafter every Saturday 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]**.

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

Sd/-
14/12/2022

(*) () AMENDED AS PER ORDER OF THIS COURT DATED 10.01.2023 IN CRL MP(MD) NO.377 OF 2023 IN CRL OP(MD) NO.21869 OF 2022 BY ADJCJ)**

Time granted by this Court to comply with the condition imposed vide order dated 14.12.2022 in Cr1.O.P. (MD) No.21869 of 2022 is extended for a period of two weeks from the date of receipt of amended copy of this order.

/ TRUE COPY /

/12/2022

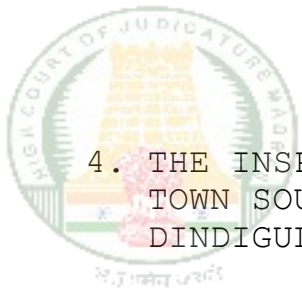
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 14/12/2022 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL, DINDIGUL DISTRICT.
2. THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL, DINDIGUL DISTRICT.
3. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



4. THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL TOWN, DINDIGUL DISTRICT.

5. The Inspector of Police,
Town West Police Station,
Dindigul Town,
Dindigul District.

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

+1. CC to M/S.SARVAGAN PRABHU S Advocate SR.No.492

ORDER

IN

CRL OP(MD) No.21869 of 2022

Date :14/12/2022

SP/SSS/SAR I/23/12/2022/3P/6C
RK/SSS/SAR-4(23.01.2023)4P/8C