



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

Date : 21/02/2023

PRESENT

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

CRL OP(MD) . No.67 of 2023

1. Shanthi
2. K.Kumarasamy

... Petitioners/Accused No.4&5
Vs

The Sub Inspector of Police,
Central Crime Branch,
-Tirunelveli City,
Tirunelveli District
(Crime No.13 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Jesus Moris Ravi.P, Advocate

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

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

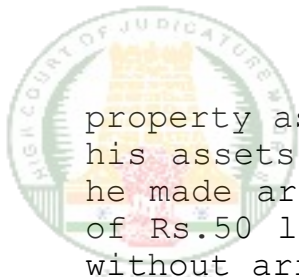
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 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, 418, 420 I.P.C, in Crime No.13 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant by name Babu Jacob is that he is running a quarry business in Karur District of Tamil Nadu. Due to pandemic situation, he is unable to start the project in time as well as he could not run the unit properly, due to financial crisis. Meanwhile, one Benkumar Babu, a retired Engineer from Kerala State Electricity Board, who is a permanent resident of Kerala and doing business in Tamil Nadu, approached him and introduced one Bala Murugan, the second accused herein stating that he is well known and are influenced person and he will arrange for money and thereby the second accused had promised to arrange for a loan of Rs.10 Crores on that, he had given the original title deeds of the



property as security and issued post dated cheques. After this, using his assets and his income, the accused had falsely represented that he made arrangement for loan of Rs.10 Crores and had received a sum of Rs.50 lakhs as advance amount as service charges and cheated him without arranging the loan. Hence, the complaint.

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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they happened to be the wife and son of first accused. The names of the petitioners do not find place in the FIR. Later, they were implicated based on the alleged confession statement of the first accused, as if, the amounts received from the defacto complainant were transferred to the accounts of the petitioners. Subsequently, Rs.15 lakhs from the account of first petitioner and Rs.12 lakhs from the account of second petitioner were freezed by the respondent Police. Total amount involved in this case is Rs.50 lakhs. There is no specific allegation as against the petitioners that they have induced the defacto complainant and cheated him by receiving service charges. The brother of the first accused viz., Madasamy also arrayed as A3 in this case was already released on anticipatory bail, as per order of this Court in Crl.OP(MD)No.22911 of 2022, dated 02.01.2023. The first accused has also been released on bail. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners are the wife and son of the first accused. The allegations as against the petitioners is that they have colluded with the first accused, to cheat the defacto complainant. Hence, prays to dismiss the petition.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, 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 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;



(b) the petitioners shall report before the Police daily at 10:30 a.m., for a period of two weeks, thereafter, on every Saturday at 10:30 a.m., until further orders;

(c) the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/02/2023

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/03/2023

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

pnm

TO

1. THE JUDICIAL MAGISTRATE NO. I, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
-TIRUNELVELI CITY,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.P.JESUS MORIS RAVI, Advocate (SR-2735[I] dated 23/02/2023)

ORDER

IN

CRL OP(MD) No.67 of 2023

Date : 21/02/2023

RK/MMS/SAR-4 (06/03/2023) 3P/6C