



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

Date : 07/03/2023

PRESENT

The Hon'ble Mr. Justice G.K. ILANTHIRAIYAN

CRL OP (MD) Nos. 126 & 2434 of 2023

M.Muthupandi,	... Petitioner/Accused No.1 in Crl.O.P (MD) No.126/2023
C.Latha	... Petitioner/Accused No.2 in Crl.O.P (MD) No.2434/2023

Vs

The State rep by The Sub Inspector of Police, Palanichettypatti Police Station, Theni District. (Crime No.479 of 2022).	... Respondent/ Complainant in both Crl.O.Ps'
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In Crl.O.P (MD) No.126 of 2023:

For Petitioner : M/s.Priscilla Pandian J, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

In Crl.O.P (MD) No.2434 of 2023:

For Petitioner : Mr.J.Divya, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

COMMON PRAYER :-

AB.For Anticipatory Bail in Crime No.479 of 2022 on the file of
the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, who apprehend arrest at
the hands of the respondent police for the offences punishable under



sections 120(B), 420, 406, 506(i) of I.P.C., in Crime No.479 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 and 2 are arraigned as Accused Nos.1 and 2 and the first accused is the husband of the second accused. The second accused is working as a Nurse in the Hospital and both Accused Nos.1 and 2 had a friendly relationship with the defacto complainant. Both have assured to get the job of Anganwadi worker in the Noon meal centre for his wife and received a sum of Rs.6,10,000/- from the defacto complainant. The petitioners did not get a job for the wife of the defacto complainant as assured by them. Hence, the complaint.

3.The learned counsel appearing for the petitioner in Crl.O.P(MD)No.126 of 2023 would submit that both the accused are husband and wife, and they got separated due to their misunderstanding. The petitioner/Accused No.1 is working as a Manager in the Private Bank and assured that he get a loan for the defacto complainant, for which, he received a sum of Rs.50,000/- as commission and thereafter, he could not arrange the loan. The petitioner repaid a sum of Rs.30,000/- and subsequently, repaid a sum of Rs.10,000/- to the defacto complainant. His wife is nothing to do with the entire transaction since they got separated and living separately.

4.The learned counsel appearing for the petitioner in Crl.O.P(MD)No.2434 of 2023 would submit that the petitioner/second accused is working as a Nurse in Kullampalayam Primary Health Centre. Her husband is only involved in this case, and she is nothing to do with the present case only because of the status of his wife, the petitioner has been falsely implicated in this case.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused is having two previous cases which are similar in nature, and the second accused is also having one previous case. Both cheated the defacto complainant to the tune of Rs.6,60,000/- in order to get a job for the wife of the defacto complainant. Thereafter, they did not get any employment and also refused to return the amount.

6.The learned counsel appearing for the petitioners would submit that, without prejudice to the right of the defence, the petitioners are willing to deposit some reasonable amount.

7.Taking note of the facts and circumstances, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) each to the credit of Crime No.479 of 2022 on the file of the respondent Police, before the



petitioners are ordered to be released on bail in the _____ 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, Theni 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 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, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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/-

07/03/2023

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

PS

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.



3.The Sub Inspector of Police,
Palanichettypatti Police,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.PRISCILLA PANDIAN J Advocate SR.No.3594(I) dated
07.03.2023.

+1. CC to M/S.DIVYA.J Advocate SR.No.3593(I) dated 07.03.2023.

ORDER

IN

CRL OP (MD) No.126 of 2023

Date :07/03/2023

ED/SBN/SAR-1 (15/03/2023) 4P 7C