



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

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PRESENT

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

CRL OP(MD). No.135 of 2023

1.R.Ranjith Prabhu

2.R.Stella Baby

... Petitioners/Accused No.2 & 3

Vs.

State rep. through
Sub-Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District
(Crime No.215 of 2022)

... Respondent/Complainant

For Petitioners : Mr.D.Selvaraj, Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

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

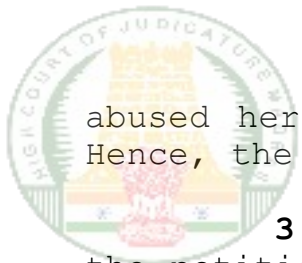
PRAYER :-

For Anticipatory Bail in Crime No. 215 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No. 2 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 420, 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.215 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramalakshmi is that the first accused, who is her elder brother, had gone to the house with the second accused Ranjith Prabhu on 10.02.2019 and had induced her to deposit money in one coin scheme and she deposited Rs.3,09,000/- and when the defacto complainant had requested for repayment of the same, the accused had



abused her in filthy language and assaulted her with wood. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given against them. He would further submit that the first accused Nagaraj is none other than the elder brother of the defacto complainant and there was some money dispute between the petitioners and the defacto complainant in respect of which on 06.11.2021 the defacto complainant along with 15 other persons had gone to the house of the petitioners and assaulted them. They have also taken 5 ½ sovereigns of gold jewels from the petitioners' house in respect of which a complaint was lodged in Crime No.214 of 2022 and has been registered against the defacto complainant and their relatives. Only as a counter blast, a false complaint has been given against the petitioners. He would further submit that even in the First Information Report, the defacto complainant had admitted about taking away Thali Chain from the second petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners have induced the defacto complainant by name Ramalakshmi in the guise of investing money in one coin scheme and received a sum of Rs.3,09,000/- and when she demanded the same, the accused abused and assaulted. Hence, he prays to dismiss this application.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court including the First Information Report in Crime Nos.214 of 2022 and 215 of 2022 registered by the respondent police.

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

7. 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, Rajapalayam, Virudhunagar 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 passbook to ensure their identity.

[b] the petitioners shall report before the respondent Police Station everyday at 10.30 a.m for a period of two weeks and 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/-

05/01/2023

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

cm

TO

1.THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 SUB-INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.SELVARAJ D Advocate SR.No.1079(f)

ORDER

IN

CRL OP(MD) No.135 of 2023

Date :05/01/2023

RK/BUC/SAR-2 (24/01/2023) 4P/6C

<https://www.mhc.tn.gov.in/judis>