



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.325 of 2023

1. N.Mohammed Ansar,

2. Shmaeem Begum,

3. Mujbeer Rahman,

... Petitioners/Accused 2 to 4

Vs

State Rep by

The Inspector of Police,
Thallakulam Police Station,
Madurai District.

(In Crime No.1233/2021).

... Respondent/Complainant

For Petitioner : M/s.Rajamohan.R,
Advocate.

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

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

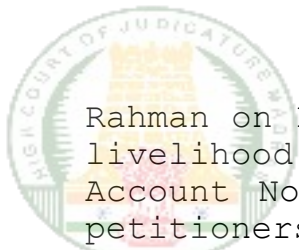
PRAYER :-

For Anticipatory Bail in crime No.1233 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.1233 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the wife of the de-facto complainant and the petitioners are father-in-law, mother-in-law and brother-in-law of the de-facto complainant. The de-facto complainant married the first accused on 11.12.2016 as per Muslim



Rahman on 13.08.2017 and during 2018, he went to Malaysia to his livelihood and regularly sending money to his wife/Al's account in Account No.6569991319, Indian Bank, K.Pudur, Madurai, wherein, the petitioners were advised the de-facto complainant to purchase plot at Kadachanendhal and by believing their words, the de-facto complainant had sent a sum of Rs.6,17,411/- to the first accused's bank account and thereafter, the first accused has not turned up to his phone call and she gave birth to a child on 17.06.2021 through her paramour and also cheated the de-facto complainant with the aid of these petitioners. Hence, the case.

3.The learned counsel for the petitioners would submit that the case of a matrimonial dispute, between the first accused and her husband/de-facto complainant, has been falsely projected as a case of cheating. Even taking into consideration the allegations in the FIR, the de-facto complainant is stated to have sent money only to the account of the first accused, for which, the petitioners cannot be held responsible. He would further submit that the case has been registered based on the endorsement from the Court under Section 156 (3) of Cr.P.C. Hence, he seeks for anticipatory bail.

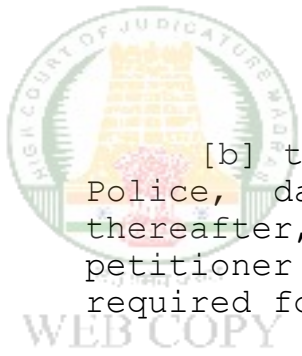
4.The learned Government Advocate (Crl. side) would submit that the petitioners are the relatives of the first accused. The first accused was earlier married the de-facto complainant and he was working abroad and he has sent money to the first accused and after receiving the money, she has cheated the de-facto complainant and she had also given birth to a child through her paramour. Hence, he opposed to grant anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.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.II, Madurai, 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 confirm their identity.



[b] the petitioners 1 and 2 shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation; and the third petitioner shall report before the respondent police as and when required for interrogation;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1. The Judicial Magistrate No.II, Madurai.
 2. Do-Through The Chief Judicial Magistrate,
Madurai District.
 3. The Inspector of Police,
Thallakulam Police Station, Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.RAJAMOHAN.R, Advocate (SR-398[I] dated 09/01/2023)

ORDER IN
CRL OP(MD) No.325 of 2023
Date : 06/01/2023

TR/MMS/SAR-IV(19.01.2023) 3P 6C

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