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CRL OP(MD)



23

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

Date : 06/01/2023

PRESENT

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

CRL OP(MD). No.375 of 2023

1. Koodalingam,

2. Karthigaiselvi, ... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Sub Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.449 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muthu Saravanan.C, Advocate.

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

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

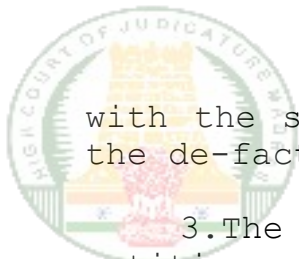
PRAYER :-

For Anticipatory Bail in Crime No.449 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468 and 420 of I.P.C., in Crime No.449 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Ayyakutty, is that the first accused, who is an Ex-serviceman, induced him in the promise of obtaining a job in the Forest Department and received an amount of Rs.4,00,000/- and later, and that when he had questioned the accused, he along



with the second accused, who is a Police Constable have tied the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given against them. He would further submit that the petitioners and the de-facto complainant were earlier cheated by one Saiyedhu Hasham of Rengareddy District, Telungana State. He would further submit that the petitioners and the de-facto complainant had asked the said Saiyedhu Hasham to come to Madurai and when he had come here to Madurai, there was a dispute and that on the complaint given by the said Saiyedhu Hasham, a case was registered against the first petitioner as well as the de-facto complainant in Crime No.394 of 2020 and during the course of enquiry, the Appanthirupathy Police Station came to know that the said Saiyedhu Hasham, the person, who has cheated the first petitioner as well as the de-facto complainant and however, the first petitioner was granted anticipatory bail in that case and that he has also filed an application before this Court in Crl.O.P.(MD)No.15187 of 2021 and the same is pending. In the quash petition, the present de-facto complainant is also a petitioner. While so, the petitioners have also preferred a complaint against the said Saiyedhu Hasham and his associate one Ramanuja Neyulu and a case in Crime No.1895 of 2020 has been registered by the Tallakulam Police Station for the offences under Sections 406 and 420 IPC. Thereafter, there was some disputes between the petitioners and the de-facto complainant regarding money dispute and he has given a false complaint, as if, the petitioners had induced him and received money for giving a job in the Forest Department. He would further submit that the second petitioner is the wife of the first petitioner, who is working as a Constable in the Armed Reserve Police, Coimbatore and she has been unnecessarily roped in in this case, as if, she had threatened the de-facto complainant. He would further submit that the first petitioner is an Ex-serviceman and the second petitioner is presently working in the Police and they are ready to abide by any stringent condition and also ready to furnish adequate sureties for their release on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have induced the de-facto complainant and on the promise of securing a job in Forest Department, had received Rs.4,00,000/- through bank transaction and later, cheated the de-facto complainant. Hence, he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Reports in Crime No.394 of 2020 registered by the Appanthirupathy Police Station, Madurai and in Crime No.1895 of 2020 registered by the Tallakulam Police Station, Madurai and also the bank statements filed along with the anticipatory bail



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.V, Tirunelveli 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders; and the second 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

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



1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.375 of 2023
Date :06/01/2023

PKP/MMS/SAR-1/19.01.2023/4P/5C