



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.736 of 2022

1. Maruthupandian,

2. Sumathi,

... Petitioners/Accused No.1 & 2

Vs

1. The State Rep by,
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(In Crime No.34/2019).

2. C.Sudharshana,
(R2 suo-motu impleaded vide order dated 04.04.2022)

... Respondents/Complainants

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

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.34/2019 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 406 and 420 of I.P.C., in Crime No.34 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had approached the de-facto complainant stating that he possessed gold bars and ready to sold the same for lower price and also induced her to purchase three numbers of gold bar for a sum of Rs.9 lakhs. Believing their words, the de-facto complainant purchased three numbers of gold bar and later, she came to know that they were duplicate gold bars. When the same was questioned by the de-facto complainant, the petitioners abused her in filthy language and threatened her with dire consequences. Hence, the case.



3. Heard. Perused the materials available on record the First Information Report. 19

4. It is seen that the petitioners and the de-facto complainant are relatives. There were civil disputes pending between them. Therefore, the custodial interrogation of the petitioners is not required in this case.

5. In view of the same, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. 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 Court, Melur, Madurai 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 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/-
08/03/2023

/ TRUE COPY /

/03/2023

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



TO

1. THE JUDICIAL MAGISTRATE COURT,
MELUR, MADURAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KEELAVALLAVU POLICE STATION,
MADURAI DISTRICT.

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

+1. CC TO M/S.MURUGAN R ADVOCATE SR.NO.3671 dt.08/03/2023

ORDER

IN

CRL OP(MD) No.736 of 2022

Date :08/03/2023

SI/CG/SAR-2(21.03.2023) 3P/ 6C