



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

Date : 13.03.2023

PRESENT

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

CRL OP(MD)No.1954 of 2023

Balavignesh

... Petitioner / Accused No.3

Vs

1.State through:
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(In Crime No.02 of 2023)

... Respondent / Complainant

2.Karuppasamy

... Petitioner / Intervener
in CrI. MP(MD) No.2757 of 2023

For Petitioner : Mr.G.Mariappan

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(CrI.side)

For Intervenor : Mr. M.Jothi Basu

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406, 420 IPC in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Subramanian and one Balaji Varadharajan were running Aurusha jewellery shop at Virudhunagar. The defacto complainant and his family members joined in the above jewellery shop. Moreover it is alleged



that they were running Umayachit promoters and Amudhasur it funds. The defacto complainant family members were paying chit regularly till December 2022. On 13.01.2013, the partners of the jewellery shop closed the shop and absconded. Hence, the case.

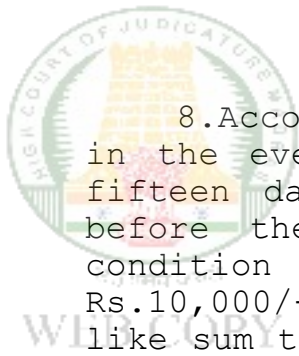
3. There are totally five accused in this case, in which, the petitioner is arrayed as A3, who is admittedly, the son-in-law of A2. The first and second accused are partners of the Aurusha jewellery shop and they floated various schemes. Believing the same, the general public started investing money under various scheme in order to receive jewels. While being so, the second accused died in the month of November 2022. Thereafter, the entire business collapsed. As far as the petitioner is concerned, he is the son-in-law of the second accused. The other accused persons were arrested and released on bail. A2 in this case died, however, FIR has been registered as against him also.

4. The main contention of the petitioner is that he is falsely implicated in this case only because he is the son-in-law of the second accused. He got married to the daughter of the second accused in the year 2008 and thereafter, they got children and due to misunderstanding, they got separated and living separately. In fact, on 17.02.2021, the petitioner caused legal notice to his wife and other accused persons. Thereafter, on 03.09.2021, he also filed a petition for divorce on the ground of cruelty in HMOP.No.145 of 2021 before the Sub Court Virudhunagar. Therefore, he is nothing to do with the business conducted by A2 and his family members and they floated several companies, in which, the petitioner is not at all partner or director of the said company and he is no way connected with those concerns. Therefore, custodial interrogation of the petitioner does not required.

5. The learned counsel appearing for the intervenor would submit that this kind of offences is now directed to be registered under the economic offences incorporated by the Central Government. Therefore, custodial interrogation of the petitioner is very much required and he prayed to dismiss this petition. He also filed a petition to transfer of investigation and the same is pending.

6. Admittedly, the petitioner is the son-in-law of the second accused, however, he is not a partner or director of the any one of the companies floated by A1 and A2. On perusal of documents it is revealed that the petitioner caused legal notice and subsequently filed divorce petition in HMOP.No.145 of 2021 on the file of the Sub Court, Virudhunagar. The other accused in this case were arrested and released on bail

7. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



8. Accordingly, the petitioner is ordered to be released in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent Police, daily morning at 10.30 A.M., and evening at 05.00 P.M., until further orders, for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

13/03/2023

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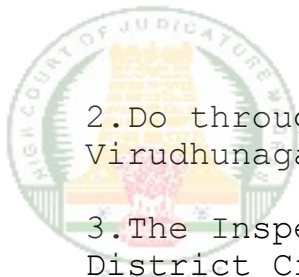
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate No.II,
Virudhunagar.

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



2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

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

+1. CC to M/S.MARIAPPAN.G Advocate SR.No.4069(I) dated 13.03.2023

+1 CC to M/s.JOTHI BASU.M., Advocate SR.No.4049[I] dated 13/03/2023

ORDER

IN

CRL OP(MD) No.1954 of 2023

Date :13/03/2023

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