



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.2130 of 2023

WEB COPY

1.Gurumoorthy
2.Hemalatha

...Petitioners/Accused 1 to 2

-vs-

1 The State represented by
The Inspector of Police,
DCB, Dindigul,
Dindigul District.
(Cr.No.43 of 2022)

...Respondent/Complainant

2 Ashok Kumar

...Intervener/
Defacto Complainant
(in CrI MP(MD) No.2122 of 2023)

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.43 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.K.Madhan
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (CrI.side)
For Intervenor	:Mr.A.Karthick

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 468, 471, 294(b) and 506(i) of IPC in Crime No.43 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a financial dispute, the accused persons have cheated the de-facto complainant to the tune of Rs.32,00,000/- and when it was questioned by the de-facto complainant, the accused persons have abused the de-facto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would also submit that one Murugan, who is a husband of a Senior Police Officer using his influence, has given a false complaint on the same set of facts before the Virukambakkam Police Station and a case in Cr.No.767 of 2022 was registered and the petitioners were earlier arrested and taken for remand and the



learned Judicial Magistrate, finding that a case of pure money dispute had been attempted to be converted as a criminal case, had refused to remand the petitioners. Subsequently, since the said Murugan continued with the threat, the petitioners have given a complaint before the Korattur Police Station and an enquiry was conducted in C.S.R.No.1595 of 2022, which was closed on 15.12.2022 due to the pressure yielded by the said Murugan. Subsequently, on the same set of facts, a fresh complaint has been given by the de-facto complainant on the instigation of the said Murugan, which is now registered in Cr.No.43 of 2022 by the District Crime Branch, Dindigul. He would also submit that the first petitioner has also sent complaint against the said Murugan and his wife to the Home Secretary, Government of Tamil Nadu and it is pending and he would submit that a case of money dispute has been falsely projected as a case of cheating. The learned Counsel for the petitioners would also submit that the influence of the de-facto complainant is so much that the minor daughter of the petitioners have also been implicated as an accused in this case for no fault of her. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners have induced the de-facto complainant to invest in their company and had taken the amount and they have cheated him. Hence, he would oppose for grant of anticipatory bail to the petitioners.

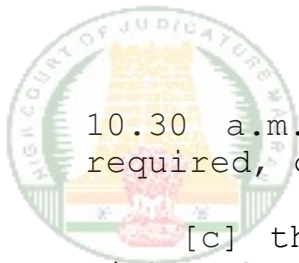
5.The learned Counsel for the intervenor would submit that the accused persons have induced the de-facto complainant to invest their company and have cheated him to the tune of Rs.32,00,000/- and also abused and threatened him with dire consequences. Hence, he would strongly oppose to grant anticipatory bail to the petitioners.

6.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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-II, Dindigul, on condition that the petitioners shall execute 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. the second petitioner shall report before the respondent police everyday at



10.30 a.m., for a period of one week, thereafter as and when required, on issuance of summons.

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

sd/-
15/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE INSPECTOR OF POLICE
DCB, DINDIGUL, DINDIGUL DISTRICT.

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

+1. CC to M/S.A.Karthik, Advocate (SR.NO.2482)

+1. CC to M/S.A.SathiaRaj, Advocate (SR.NO.2543)

ORDER
IN
CRL OP(MD) No.2130 of 2023
Date :15/02/2023