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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/02/2023

PRESENT

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

CRL OP(MD) . No.2607 of 2023

1. Vasanthakumari,

2. Aravind Raj, ... Petitioners/Accused nos. 1 & 2

Vs

State Rep.by  
The Inspector of Police,  
Karimedu Police Station,  
Crime Branch,  
Madurai District.  
Crime No.952 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Harikrishnan.B,Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

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

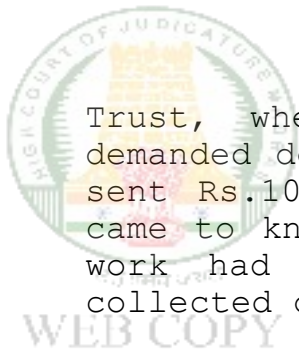
PRAYER :-

For Anticipatory Bail in Crime No.952 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.952 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Mahaboob Basha, is that he is running a textile business and that on 02.12.2022, he received a message in his cellphone alleged to be from one Rise and Shine Children Charitable



Trust, wherein, they had uploaded photos of children and demanded donations. Based on the same, the de-facto complainant had sent Rs.10,000/- to the mobile phone through G.Pay and later, he came to know that the accused persons without doing any charitable work had cheated him by showing photos of children and have collected donations from him. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given on account of enmity. He would further submit that the petitioners are running a children's home under the Rise and Shine Children Charitable Trust at Andarkuppam Village, Ponneri. Earlier, the District Child Protection Officer had issued a show cause notice against the petitioners, in respect of which, the petitioners have filed a petition in W.P.Nos.6123 and 6257 of 2022 before the Principal Bench and the Hon'ble Justice DR.ANITA SUMANTH, had appointed Mr.T.Mohan, Advocate from Chennai to inspect the premises run by the petitioners and the learned Advocate Commissioner had visited the centre on 18.03.2022 and filed a rapid inspection report with regard to the centre and he had also stated that the children are being maintained by the centre and thereby, a false complainant has been given. He would further submit that the petitioners are also being granted necessary certificates under the Income Tax Act for collection of donations for maintaining the children. He would further submit that the petitioners have not committed any offence as alleged by the prosecution and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that as per the complaint of the de-facto complainant, the petitioners in the guise of running a children home have illegally collected amount from him through G.Pay and cheated him. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Taking into consideration of the facts and circumstances of the case, 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, Madurai, on condition that the petitioner 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 one week 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/-  
09/02/2023

/ TRUE COPY /

/02/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI  
TO

1 THE JUDICIAL MAGISTRATE NO.V,MADURAI.

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

3 THE INSPECTOR OF POLICE  
KARIMEDU POLICE STATION,CRIME BRANCH,MADURAI DISTRICT.

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

+1 CC to M/s.B.HARIKRISHNAN, Advocate (SR-2171[I] dated 10/02/2023 )

ORDER

IN

CRL OP(MD) No.2607 of 2023

Date :09/02/2023