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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.2552 of 2023

1. Periyasamy,

2. Parameshwari @ Parameswari,
(Wrongly Mentioned as Parameshwari in
Crime No.143/2022 instead of Parameswari),

3. Vinoth @ Vinoth Kumar,
(Wrongly Mentioned as Vinoth in Crime
No.143/2022 instead of Vinoth Kumar),

... Petitioners/Accused No. 1 to 3

Vs

The State rep.by,
The Inspector of Police,
Kadupatty Police Station,
Madurai District.
(Crime No.143/2022).

... Respondent/Complainant

For Petitioner : M/s.Vanchinathan S,
Advocate.

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

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

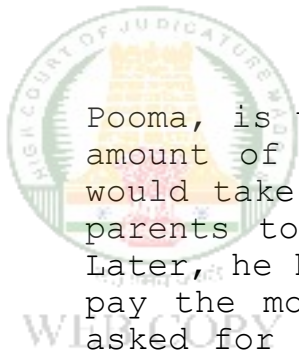
PRAYER :-

For Anticipatory Bail in Crime No.143/2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
323, 506(2) and 420 of I.P.C. r/w Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act in Crime No.143 of 2022 on
the file of the respondent police, seek anticipatory bail.

<https://www.mhc.gov.in> In the case of the prosecution, as per the de-facto complainant



Pooma, is that the first accused, who is her brother had borrowed an amount of Rs.4,00,000/- from her and he had also assured that he would take care of their father and mother and had also induced the parents to settle the properties worth of Rs.1 Crore in his name. Later, he has refused to look after their parents and had refused to pay the money to her. The further allegation is that when she had asked for return of her Rs.4,00,000/-, the first accused along with his wife/A2 and son/A3 had intimidated her. Hence, the case.

3.The learned counsel for the petitioners would submit that the de-facto complainant is the own sister of the first petitioner, due to a family dispute, a false complaint has been given. He would further submit that even a complaint has been given based on a money dispute and earlier, the petitioners have repaid a sum of Rs.2,00,000/- to her and that the enquiry was closed. Subsequently, on the complaint given by the de-facto complainant to the learned Judicial Magistrate, a case has been registered based on a reference under Section 156(3) of Cr.P.C. He would further submit that the third petitioner, is a student and he has also been unnecessarily roped in in this case and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the first petitioner is the brother of the de-facto complainant and he had borrowed an amount of Rs.4,00,000/- from her and had also induced the parents to settle the properties worth of Rs.1 Crore in his name. Later, he has refused to take care of their parents and had also refused to pay the money to her. He would further submit that when the de-facto complainant had asked for return of her Rs.4,00,000/-, all the accused had intimidated her. 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 Court, Vadipatti, 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:

<https://www.mhc.tn.gov.in/judis> the petitioners and the sureties shall affix their



photographs and Left Thumb Impression in the surety bond. The Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners 1 and 2 shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation; and the third 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/02/2023

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/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI.

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

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

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

+1. CC to M/S.VANCHINATHAN S Advocate SR.No.2035(I)

ORDER

IN

CRL OP(MD) No.2552 of 2023

Date :08/02/2023