



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

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.3416 of 2023

Dhanalakshmi

... Petitioner / Accused No.2

Vs

The State Through
The Inspector of Police,
CCB Police Station,
Trichy District.
(Crime No.21 of 2022.)

... Respondent / Complainant

For Petitioner : M/s.Alagumani R, 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 Cr.No.21 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420, 405, 406 and 506(ii) r/w 34 of IPC in Crime No.21 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Sureshkumar, is that the accused had received an amount of Rs.1,59,60,000/- from the de-facto complainant on the guise of investing in share trading business and had cheated him. When the de-facto complainant asked for return of money, the accused have threatened him and criminally intimidated him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she and her husband are falsely roped in in this case. He would further submit that the fact remains that the petitioner and her husband had borrowed some amount from the de-facto complainant



and he has also repaid part of the amount. While so the financial dispute between them, the de-facto complainant had given a complaint before the District Superintendent of Police, Thiruvarur on 23.07.2021 and enquiry was conducted and later, it was closed. Even thereafter, the de-facto complainant continuously harassed the petitioner and thereby, the petitioner's husband (A1) had filed a suit before the District Munsif Court, Trichy in O.S.No.337 of 2021 seeking for permanent injunction restraining the de-facto complainant and his men from interfering with the plaintiff's personal life in any manner and the same is also pending. Thereafter, the de-facto complainant continuously threaten her and thereby, the petitioner's husband (A1) had given a complaint before the Superintendent of Police, Thiruvarur on 28.08.2021. While these petitions are pending, the de-facto complainant had filed a petition before the Judicial Magistrate No.I, Trichy and obtained an order under Section 156(3) of Cr.P.C. He would further submit that a case of financial dispute has been falsely projected as a case of cheating in share trading and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with her husband A1 had induced the de-facto complainant to invest in share trading business and had received an amount of Rs.1,59,60,000/- and later, cheated him. Hence, he would object for grant of anticipatory bail.

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 petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Trichy, 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, at 10.30 a.m., for a period of four weeks and thereafter, as



and when required 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/-

03/03/2023

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

SJI

To

1.The Judicial Magistrate No.I,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
CCB Police Station,
Trichy District.

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

+1. CC to M/S.ALAGUMANI R Advocate SR.No.3451(I), dated 06.03.2023

ORDER

IN

CRL OP(MD) No.3416 of 2023

Date :03/03/2023

ED/BUC/SAR-3 (17/03/2023) 3P 6C