



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.3570 of 2023

Priyadharshini ... Petitioner/Accused No.2

Vs

The state rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City, Madurai District.
(Crime No.99/2023).

... Respondent/Complainant

Ameer Mohammad ... Intervenor/De-facto Complainant
in CMP(MD) No. 3469 of 2023

For Petitioner : Mr.Alathaf Sheriff
M/s.George Raja,
Advocate.

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

For Intervenor : Mr.K.S.Durai Pandi

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

PRAYER :-

For Anticipatory Bail in Crime No.99/2023 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 406, 420, 294(b) and 506(i) of I.P.C., in Crime No.99 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Ameer Mohammad, is that the petitioner along with three others had introduced the de-facto complainant through his wife's gym trainer, namely, Swetha/A1 and A1 had induced the de-facto complainant to invest a sum of Rs.11,00,000/- for becoming as a partner in a Gym running under the name and style of "Fitness World Gym". And believing the same, the de-facto complainant had given



a sum of Rs.11,00,0000/- to A1 and thereafter, A1 along with the petitioner have cheated the de-facto complainant. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely roped in in this case, since she happens to be a friend of A1. He would further submit that even as per the statement of accounts, a sum of Rs.1,00,000/- has been transferred from the account of A1 to the petitioner and later, within one day, the amount has also been re-transferred to the account of Swetha/A1. He would further submit that the petitioner has no role to play in this case and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with one Swetha/A1 had induced the de-facto complainant on the promise of inducting him as a partner in a "Gym Trainer" and had received an amount of Rs.11,00,000/- and thereafter, cheated the de-facto complainant. Hence, he would object for grant of anticipatory bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that the petitioner is a close friend of A1 and they have joined together and received an amount of Rs.11,00,000/- and thereafter, cheated him.

6.Heard. Perused the materials available on record including the First Information Report as well as the bank statement filed by the petitioner.

7.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:

8.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 Court No.V, Madurai, 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, on



every Saturday at 10.30 a.m., until further orders.

[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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/03/2023

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
THIDEER NAGAR POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to GEORGE RAJA Advocate SR.No.3409(I)
ORDER

IN

CRL OP(MD) No.3570 of 2023

Date :03/03/2023