



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.4106 of 2023

1. Rajendran

(*)2. Aruna @ Thenmozhi

3. Ananthamoorthi ... Petitioners/Accused No.2 to 4

Vs

The Inspector of Police,
District Crime Branch Police Station,
Theni District.

(Cr.No.31 of 2022). ... Respondent/Complainant

For Petitioner : M/s.A. Aruljenifer,
Advocate.

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

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

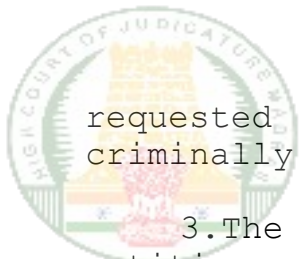
PRAYER :-

For Anticipatory Bail in Crime No.31 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 468, 471, 420, 120(B) and 506(1) of I.P.C., in Crime No.31 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 the fourth accused introduced the petitioner/A1 to the de-facto complainant saying that they would get job for his son and received a sum of Rs.13,00,000/- by bank transaction and thereafter handed over fabricated appointment order and cheated him. When the de-facto complainant had gone to the house of the other accused and



requested for money, they have abused the de-facto complaint and criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely roped in in this case, since the first and second petitioners are the parents of the first accused and the third petitioner is stated to be the person, who has introduced A1 to the de-facto complainant. He would further submit that the first petitioner is a retired railway employee and there is no allegation as against him and it is his son/A1 who had induced the de-facto complainant for getting a job and receiving money. He would further submit that the first petitioner is aged 74 years and the second petitioner is aged 66 years and the third petitioner is aged 60 years and they have no previous case as against them. He would further submit that the petitioners to show their bonafides, without prejudice to their defence, are ready and willing to deposit the original title deeds of immovable property worth of Rs.10,00,000/- either belonging to themselves, friends or relatives to the credit of Crime No.31 of 2022 before the learned Judicial Magistrate, Theni. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners 1 and 2 are the parents of A1 and A1 claimed himself to be a son of retired railway employee and the third petitioner had introduced the de-facto complainant to A1 and believing A1, the de-facto complainant has transferred an amount of Rs.13,00,000/- through bank transactions and thereafter, the first accused had given a fabricated appointment order 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 and that the petitioners, to show their *bona fide*, are ready and willing to deposit original title deeds of immovable property worth of Rs.10,00,000/- either belonging to themselves, friends or relatives to the credit of Crime No.31 of 2022 before the learned Judicial Magistrate, Theni, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8.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, Theni, 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



concerned, failing which, the petition for anticipatory bail 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 deposit the original title deeds of immovable property worth of Rs.10,00,000/- (Rupees Ten Lakhs Only) either belonging to themselves, friends or relatives to the credit of Crime No.31 of 2022 before the learned Judicial Magistrate, Theni at the time of furnishing sureties.

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/03/2023

(*)CORRECTED AS PER THE ORDER DATED 10.04.2023

/ TRUE COPY /

/03/2023

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

sj
gns

TO

TO BE SUBSTITUTED TO THE ORDER DATED 02.03.2023 ALREADY DESPATCHED

1.THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

<https://www.mhc.tn.gov.in/judis>



3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.A.ARULJENIFER, Advocate(SR-20603[F] dated 03/03/2023)

ORDER

IN

CRL OP(MD) No.4106 of 2023

Date :02/03/2023

RK/MMS/SAR-3(08/03/2023) 5P/6C

NA/MMS/SAR-4(28/04/2023) 5P/6C