



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4207 of 2023

1. R.Narayanasamy,

2. N.Genga Devi,

... Petitioners/A1, A2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
Cr.No.3/2023

... Respondent/Complainant

For Petitioner : M/s.Ramasamy R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

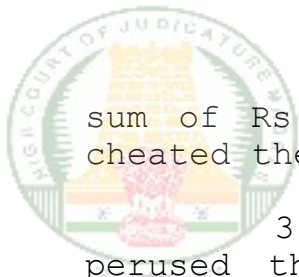
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.3/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.3 of 2023 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 first petitioner is the husband of the second petitioner and the third accused is the son of the petitioners. They are doing business in Dubai and also running a Hotel. The petitioners wished to sell the Hotel. One Navaneethan introduced the defacto complainant's father-in-law and stated that he is ready to purchase the hotel from the petitioner, but the defacto complainant was interested to take the hotel for lease. The first petitioner offered a sum of Rs.36 lakhs and entered into an agreement to pay every month an amount as per the agreement to the petitioners apart from Rs.36 lakhs. The defacto complainant gave a



sum of Rs.17.5 lakhs and a sum of Rs.2.5 lakhs. The petitioner has cheated the defacto complainant. Hence, the complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that there was a business transaction between the defacto complainant and the petitioners. In order to settle the present complaint lodged, that to the same was issued by the learned Magistrate under Section 156(3) of Cr.P.C., and therefore, the custodial interrogation of the petitioners is not required, and this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

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.II, Virudhunagar**, 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:

[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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation and the second 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/-

08/03/2023

(*) For Being Mentioned as per
Order of this Hon'ble Court dated
31/03/2023 in Crl.OP(MD) .
4207/2023

Further two weeks time is extended
to comply with the conditions.

/ TRUE COPY /

/04/2023

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

PS

TO

TO BE SUBSTITUED WITH THE ORDER DATED 08/03/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.RAMASAMY R Advocate SR.No.3896

ORDER

IN

CRL OP(MD) No.4207 of 2023

Date :08/03/2023

SA/SBN/SAR.4/16.03.2023/3P/6C

AAV

SA/VR/SAR.4/05.04.2023/3P/7C