



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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8751 of 2023

1. N.Shanthi
2. S.N.Ashokkumar
3. N.Srinidhi

... Petitioners/Accused Nos.9,10 & 11

Vs

State rep. by
The Insepector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.425 of 2021).

... Respondent/Complainant

For Petitioners: M/s.Mathiyalagan.R,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

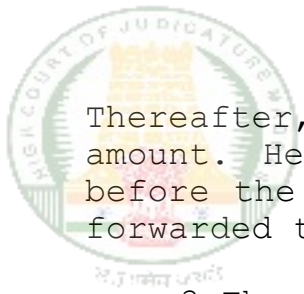
PRAYER :-

For Anticipatory Bail in Crime No.425 of 2021 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 417, 420, 468 and 506(i) of IPC, in Crime No.425 of 2021 on
the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the finance firm
namely, M/s.Sakthi Enterprises. A2 to A8 are running the said
finance firm. A9 to A11/petitioners herein are the legal heirs of
one of the finance partner namely, Nagarajan. A2 to A11 have
involved in day-to-day affairs of the finance company. A2 approached
the defacto complainant and gave a false promise that if the defacto
complainant deposited the amount in the said finance firm, the firm
will pay higher rate of interest. On believing his words, the
defacto complainant deposited a sum of Rs.13 lakhs in the said firm.



Thereafter, A2 did not pay any interest and also the 1st amount. Hence, the defacto complainant filed a private complaint before the learned Judicial Magistrate No.I, Karur and the same was forwarded to the respondent. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner is the wife and the petitioners 2 & 3 are the son and daughter of said Nagarajan. The said Nagarajan was died on 15.10.2019 leaving behind the petitioners as legal heirs. The petitioners have not aware of the deposit made by the defacto complainant. Though, the defacto complainant filed a suit in O.S.No.196 of 2020 before the learned District Judge, Karur, for recovery of money and the same is pending. The petitioners herein are the defendants 8 to 10 in the said suit.

4.The learned Government Advocate (Crl.Side) would submit that already civil suit is pending between the petitioners and the defacto complainant.

5.Considering the facts and circumstances of the case and also considering the fact that already civil suit is pending between the petitioners and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only), common surety** for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with the 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) 5560]**; and;

(f) if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
17/05/2023

/ TRUE COPY /

/05/2023

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

DSS

TO

1. The Judicial Magistrate No.I,
Karur.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Velliyana Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-7465[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.8751 of 2023

Date : 17/05/2023

NA/CG/SAR- /22.05.2023/3P/6C