



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.9080 of 2023

1. S.Rajendiran,

2. R.Thenmozhi,

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur District.
(Crime No.8 of 2023).

...Respondent/Complainant

For Petitioners: Mr.M.KARUNANITHI, Advocate

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

For Intervenor : Mr.VENKATESAN, Advocate

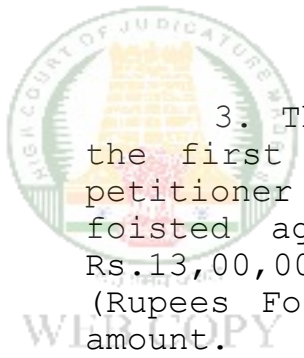
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.8 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.8 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners were running business in Thanjavur in the name and style of Saara Industries. The main business of the firm is to manufacture and sale of Coir, PU Foam, Spring and related products. As per the request made by the petitioners the de-facto complainant gave an amount a sum of Rs.40,00,000/- (Rupees Forty Lakhs Only). Thereafter, the petitioners have not return the same to the de-facto complainant, Hence, he preferred a complaint.



3. The learned counsel for the petitioners would submit that the first petitioner is a retired Police Officer and the second petitioner is his wife. They are innocent and a false case has been foisted against them. The petitioners were returned a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only) out of Rs.40,00,000/- (Rupees Forty Lakhs Only). They are willing to pay the remaining amount.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police would submit that the petitioners were involved in other similar case and strongly objected to release the petitioner on 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 also the fact that the petitioners are the senior citizen, therefore, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No-I, Thanjavur**, 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 are directed to deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs)** each to the credit of Crime No.8 of 2023. On such deposit, the de-facto complainant is permitted to withdraw the same, by making necessary application before the trial Court.

[b] 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.

[c] the first petitioner shall report before the respondent Police, every Wednesday at 10.30 a.m., for a period of twelve weeks and thereafter, as and when required. The second respondent shall report before the respondent police as and when required.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/05/2023

/ TRUE COPY /

/05/2023

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

SBN

TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.

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

+1. CC to M/S.KARUNANITHI.M Advocate SR.No.7579 (I) Dt.18/05/2023

ORDER

IN

CRL OP(MD) No.9080 of 2023

Date :18/05/2023

SA/CG/SAR. /31.05.2023/3P/6C