



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

PRESENT

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

CRL OP(MD).No.12214 of 2022

1.Minansi

2.Zameer Basha

... Petitioners/Accused Nos.2 & 3

Vs.

The Inspector of Police,
City Crime Branch (CCB),
Cantonment,
Trichy - 1.

(In Crime No.20 of 2022)

... Respondent/Complainant

J.Sahadevan

... Petitioner/Intervenor/Defacto Complainant
in CRL MP(MD) No.8466 of 2022

For Petitioners : Mr.R.Sundar
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.R.Sakthivel

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

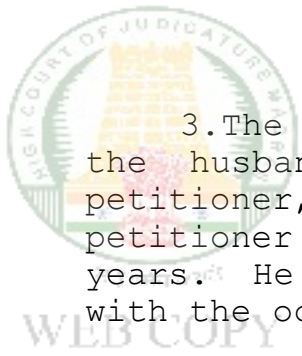
PRAYER :-

For Anticipatory Bail in Crime No.20 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 465, 468 and 471 of IPC, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with Accused No.1, who is none other than the husband of the first petitioner, have cheated the defacto complainant to the tune of Rs.49,73,000/- under the guise of online trading. Hence, the complaint.



3.The learned counsel for the petitioners submitted that A1 is the husband of the first petitioner/A2 and friend of second petitioner, namely, A3. Since A1 went away from home, the first petitioner herein is residing at her parents house for the past two years. He further submitted that the petitioners have nothing to do with the occurrence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that now the investigation has been completed and the same was taken cognizance in C.C.No.1053 of 2022 on the file of the learned Judicial Magistrate No.1, Trichy and it is pending for trial.

5.Considering the fact and circumstances of the case, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Trichy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 report before the learned Judicial Magistrate No.1, Trichy, daily at 10.30 a.m., on all working days for a period of four weeks, thereafter 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]; and;

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

sd/-

10/03/2023

/ TRUE COPY /

/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH (CCB), CANTONMENT,
TRICHY-1.

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

+1. CC to M/S.SUNDAR R Advocate SR.No.4154

ORDER
IN

CRL OP(MD) No.12214 of 2022

Date :10/03/2023

SS/BUC/SAR I/27/03/2023/3P/6C