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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2023

PRESENT

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

CRL OP(MD). No.11043 of 2023

S Kohila ... Petitioner/Accused No.3

Vs

1.The Inspetor of Police,
CCB Madurai City.
(Crime No.1/2023). ...1st Respondent/Complainant

2. MG.Arumugam, ... Defacto Complainant

For Petitioner : M/s.Sundaresan.N,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC r/w Section 5 of TANPID Act, in Crime No. 1 of 2023 on the file of the first respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and her parents have been running chit funds in the name of Sri Lakshmi Chits at Madurai. The de-facto complainant had invested huge amount into the said company and the petitioner and her family members are liable to return a sum of Rs.25.05 lakhs to the de-facto complainant. For the said purpose, they issued undated cheque and promisory notes to the de-facto complainant. With the help of the

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their children. When the investors demanded return of money, the accused persons denied the same. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner got married in the year 2017 and she is living with her husband and no way connected with her mother and father. That apart, the petitioner is also ready to willing to deposit the original title deed to the extent as directed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that A1 and A2 had cheated the public only from the year 2022 to the tune of Rs.1,69,00,000/-.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.Accordingly, the petitioner shall deposit the original title deed not less than the value of Rs.1 Crore (Rupees One Crore only) along with proper valuation certificate, either belonging to the petitioner, friends or relatives, to the credit of Crime No.1 of 2023 before the learned Judicial Magistrate No.1, Madurai, without prejudice to her rights and contentions.

8.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 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.

[b] the 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;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
21/06/2023

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/07/2023

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

SJI

TO

1.THE JUDICIAL MAGISTRATE NO.1, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPETOR OF POLICE,
CCB MADURAI CITY.

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

+1. CC to M/S.SUNDARESAN.N Advocate SR.No.29465(f)

ORDER
IN
CRL OP(MD) No.11043 of 2023
Date :21/06/2023

RK/BUC/SAR- (03/07/2023) 4P/6C