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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 20.07.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL  
Crl.O.P.(MD)Nos.12135 & 12149 of 2023

M.Nisha

... Petitioner/ Accused No.4  
in Crl.O.P.(MD)No.12135/2023

1 A.P.Moorthi

2 M.Navarathinam

... Petitioners/ Accused 2 & 3  
in Crl.O.P.(MD)No.12149/2023

Vs

State Rep.by  
The Inspector of Police,  
District Crime Branch,  
Madurai.  
(Cr.No.15 of 2023)

... Respondent/Complainant  
in both Crl.O.Ps.

Kesavaraj

... Petitioner/Intervener/De-facto Complainant  
IN CRL MP(MD).10144/2023 IN CRL OP(MD).12135/2023  
& IN CRL MP(MD).10145/2023 IN CRL OP(MD).12149/2023

For Petitioners : Mr.N.Kannan, Advocate  
(in both Crl.O.Ps.)

For Respondent : Mr.R.M.Anbunithi,  
(in both Crl.O.Ps.) Additional Public Prosecutor

For Intervenor : Mr.R.Manoharan, Advocate  
(in both Crl.O.Ps.)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.15 of 2023 on the file of the Respondent  
Police.

<https://www.mhc.tn.gov.in/judis>



COMMON ORDER : The Court made the following common order :-

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The petitioners/A2 to A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 294(b), 406, 420, 506(i) IPC in Crime No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners would contend that the respondent police registered a case in Cr.No.15 of 2023 for the offence under Sections 120(B), 294(b), 406, 420, 506(i) IPC. In fact, already a dispute is pending between the parties and already cheque case is also pending before the Judicial Magistrate (Fast Track Court)Theni. While facts are being so, the petitioners have not committed any offences as alleged in FIR. This is third petition and he requested to consider the same.

3.The defacto complainant filed intervening petitions and same are permitted. The learned counsel appearing for the intervenor would contend that the petitioners after receiving Rs.50,00,000/-, cheated the defacto complainant. Already this Court dismissed the earlier applications since prima facie materials available against these petitioners. Recently, the intervenor met with an accident as hit and run and suspected that these petitioners and hence, there is a chance to alter the charges.

4.The learned Additional Public Prosecutor appearing for the respondent police



would contend that based on the complaint forwarded under Section 156(3) Cr.P.C., the respondent police registered the present case. Thereafter, the respondent police sent the disputed documents to Forensic Department to get opinion from the expert. Investigation in this case is in initial stage and prayed for dismissal of these petitions.

5. Heard both sides and perused the materials available in the records.

6. Considering the rival submissions made by the parties and considering the fact that the dispute between the parties is purely money dispute and also cheque case is pending between the parties and considering the nature of offences charged against the petitioner, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Madurai 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police, daily at 10.30 A.M., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during



investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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 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].

[e]if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
20/07/2023

/ TRUE COPY /

25/07/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

gns

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

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



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

+2 CC to M/S.R.MANOCHARAN, Advocate SR.No.11080[I] & SR.No.11079[I]

ORDER

IN

Crl.O.P.(MD)Nos.12135 & 12149 of 2023

Date :20/07/2023

RS//SAR-(25.07.2023) 5P 7C

Madurai Bench of Madras High Court is issuing  
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