



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD)No.14631 and 14764 of 2022

WEB COPY

IN Cr1.O.P. (MD)No.14631 of 2022

1.Divya
2.Gurusamy
3.Murugeshwari ...Petitioners/Accused No.2 to 4

-vs-

1.The State represented by
Sub Inspector of Police,
Theni Police Station,
Thei District.
(Cr.No.241 of 2022) ...Respondent/Complainant

2 N.Chitra ...Petitioner/Intervener
In Cr1 MP(MD)No.10829 of 2022

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.241 of 2022 on the file of the respondent Police.

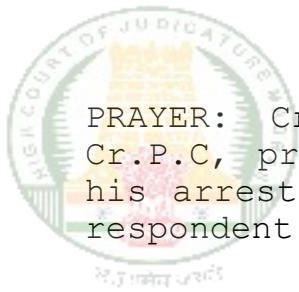
For Petitioners : Mr.R.Suriyanarayanan, Advocate
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Cr1.side)
For Intervenor : Mr.G.Kasinathadurai, Advocate

IN Cr1.O.P. (MD)No.14764 of 2022

Maruthai Durai ...Petitioner/Accused No.1
-vs-

1.The State represented by
Sub Inspector of Police,
Theni Police Station,
Thei District.
(Cr.No.241 of 2022) ...Respondent/Complainant

2 N.Chitra ...Intervener/Defacto Complainant
in CRL MP(MD)No.10828 of 2022



PRAYER: Criminal Original Petition filed under Section 406 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.241 of 2022 on the file of the respondent Police.

For Petitioner : Mr.R.Suriyanarayanan, Advocate
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)
For Intervenor : Mr.G.Kasinathadurai, Advocate

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420, 147, 294(b) and 506(i) of IPC and Section 4 of TNPHW Act in Crime No.241 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons have induced the the de-facto complainant under the guise of arranging a loan in State Bank of India and had received 65 sovereigns of jewels and later, cheated the de-facto complainant by not giving the amount. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocence and a false complaint has been given. He would also submit that a case of financial dispute between the parties has been projected as a case of cheating. He would also submit that there are financial dealings between the petitioners and the relatives of the de-facto complainant and several complaints were also given before the District Crime Branch and enquiry was conducted and finding that it was a financial transaction between the petitioners and one Selvam, who is the relative of the de-facto complainant, the respondent Police have earlier closed the complaint.

4.He would also submit that the de-facto complainant had earlier given a complaint, dated 16.10.2019 to the Superintendent of Police, Theni and based on that complaint, an enquiry was conducted. In that complaint, the de-facto complainant had specifically stated that the jewels were handed over to one Selvam, who is their relative and he had handed it over to the petitioners for pledging the jewels and received money and now a different version has been given before this Court. He would also submit that without prejudice to their rights and contentions, to show their *bona fide*, the petitioners are ready and willing to jointly deposit



Rs.5,00,000/- to the credit of crime number. Hence, as anticipatory bail to the petitioners.

5.The learned Government Advocate (crl.side) would submit that the accused persons have induced the de-facto complainant by stating that they will arrange a loan from the State Bank of India and had received 65 sovereigns jewels and cheated her. He would strongly oppose to grant anticipatory bail to the petitioners.

6.The learned Counsel for the intervenor would submit that the accused persons have cheated the de-facto complainant under the guise of arranging a loan from the de-facto complainant by receiving 65 sovereigns of gold jewels from the de-facto complainant. He would object for grant of anticipatory bail to the petitioners.

7.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

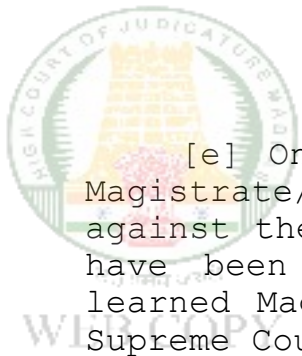
8.Accordingly, the petitioners shall jointly deposit a sum of Rs.5,00,000/- to the credit of Cr.No.241 of 2022 without prejudice their rights and contentions and on production of proof for deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court, Theni District, on condition that the petitioners shall execute 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 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 1 and 3 in Crl.O.P(MD)No.14631 of 2022 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. The other petitioners shall report before the respondent everyday at 10.30 a.m., until further orders.

[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]**.

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

sd/-

14/02/2023

/ TRUE COPY /

/02/2023

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

CMR

TO

1.THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION,
THEI DISTRICT.

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

+2 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-2309,2310[I] dated
15/02/2023)

ORDER

IN

CRL OP(MD) No.14631 of 2022

Date :14/02/2023

RK/VS/SAR-3 (22/02/2023) 6P/7C