



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.14782 of 2022

WEB COPY

1.M.Kabilan

2.K.Tamil Selvi

...Petitioners/Accused Nos.1 & 2

-vs-

The State represented by
The Inspector of Police,
Sellur Police Station,
Madurai City.

(Cr.No.418 of 2022)

...Respondent/Complainant

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.418 of 2022 on the file of the respondent Police.

For Petitioners

: Mr.V.Janakiramulu

For Respondent

: Mr.A.Albert James

Government Advocate (Crl.side)

For Intervenor

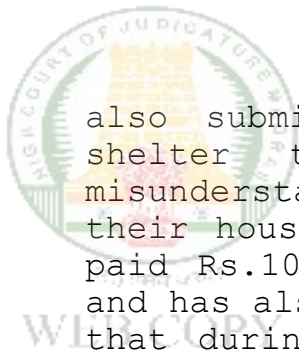
: Mr.K.Sivabalan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 406, 417, 420 and 506(i) of IPC in Crime No.418 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 de-facto complainant has paid a sum of Rs.10,00,000/- towards Othi amount to the petitioners and also handed over 45 sovereigns of gold jewels to the petitioners and further paid a sum of Rs.6,00,000/- for getting auction of a tender. The further allegation is that when the de-facto complainant asked for those money and jewels, the petitioners and other accused have abused and attacked the de-facto complainant and threatened her with dire consequence. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the de-facto complainant was involved in several cheating cases and the first petitioner, who is working in a auction hall, has helped her in all the legal matters. He would



also submit that subsequently, the petitioners have all been shelter to her in their house. Later, there was some misunderstanding and the de-facto complainant had gone away from their house. Now, she has given a false complaint, as if she has paid Rs.10,00,000/- towards othi amount for her residential house and has also given 45 sovereigns of jewels. He would further submit that during the relevant period, the third accused was a student studying in school and she has also been unnecessarily roped-in in this case. He would further submit that the first petitioner has paid money to the house owner through a broker and it is also admitted by the house owner by stating that it was the first petitioner, who had paid the advance amount and he has also repaid the amount to him, when the house was vacated by the petitioners.

4.The learned Government Advocate (crl.side) would submit that due to a money dispute, the petitioners have abused and attacked the de-facto complainant and threatened her with dire consequences. He would further submit that the respondent police has recorded a statement from the house owner, wherein, he has stated that he has received othi amount from the first petitioner through a broker and he has also handed over the said amount to the first petitioner. He would oppose for grant of anticipatory bail to the petitioners.

5.The learned Counsel for the intervenor would submit that the petitioners have cheated the de-facto complainant by receiving amounts from the de-facto complainant and when it was questioned by her, the accused persons have abused and attacked the de-facto complainant. He would oppose for grant of anticipatory bail to the petitioners.

6.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. and also considering the fact that there was a money dispute between the parteis, 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.2, Madurai, 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 shall report before the responder 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/-
04/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate No.2, Madurai.
2. Do Through The Chief Judicial Magistrate, Madurai.
- 3.The Inspector of Police,
Sellur Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.JANAKIRAMULU V, Advocate (SR-159[I] dated 04/01/2023)

CRL.O.P (MD) No.14782 of 2022
04.01.2023

TR/MMS/SAR-I(12.01.2023) 3P 6C