



CRL OP(MD). No.13361 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.13361 of 2023

1. Padmaraj

2. Abirami

... Petitioners/ Accused No.1 & 2

Vs

1. The Inspector of Police,
Kumbakkonam West Police Station,
Thanjavur District.
Crime No.252/2023.

... Respondent/Complainant

(*)2. Gnanasoundari

... 2nd Respondent

(*)(R2 is Suo-Motu Impleaded as Per Order of the Court
dated 21/07/2023 in CRL OP(MD).13361/2023 by GIJ)

For Petitioners : M/s.Jameel Arasu.B, Advocate.

For Respondent-1 : Mr.R.Sureshkumar, Government Advocate (Crl.Side)

For intervenor : Mr.R.L.Dhilipan Pandian, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.252/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 415, 417, 418, 420 and 467 IPC in Crime No.252 of 2023 on the file of the respondent police, seek



CRL OP(MD). No.13361 of 2023

anticipatory bail.

WEB COPY

2. The case of the prosecution is that while the defacto complainant's husband was alive, the petitioners herein have insisted the defacto complainant to transfer a sum of Rs.8,52,000/-, which was lying in the LIC from his account to the petitioners account and cheated him. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence he seeks anticipatory to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners herein have cheated the defacto complainant's husband while he was admitted in the hospital for taking treatment, by transferring the amount to their accounts and the investigation of the case is pending.

5.The learned counsel for the intervenor submitted that the petitioners have cheated the defacto complainant's husband by transferring the amount from his account.

6.On perusal of the FIR, it is noticed that the said amount was transferred before the death of the defacto complainant's husband for taking treatment to him.

7.Taking into consideration the principles stated by the Honourable Supreme



CRL OP(MD). No.13361 of 2023

WEB COPY

Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners is having permanent residents at Thanajvur District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

8.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Kumabakonam, Thanjavur District on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the



CRL OP(MD). No.13361 of 2023

WEB COPY

satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioners shall appear before the trial Court on receipt of summons as directed by the trial Court.

[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 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].

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

sd/-
23/11/2023

/ TRUE COPY /

/12/2023

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

TRP

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



CRL OP(MD). No.13361 of 2023

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, KUMBAKKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-16815[I] dated 24/11/2023)

ORDER

IN

CRL OP(MD) No.13361 of 2023

Date :23/11/2023

RS/JGB/SAR-(06.12.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023