



CRL OP(MD). No.15187 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.15187 of 2023

1. K.Jegadeesan,

2. J.Vijayaboobathy,

3. S.Selvi,

... petitionerss/ Accused

Vs

1. The Inspector of Police,
CCB, Madurai City
Madurai.

Crime No. 6/2023.

... Respondents/Complainants

2. Santhi,

...2nd Respondent

(R2 is Suo-Motu Impleaded as Per Order of the
Court District 13/09/2023 in Crl OP(MD)No.15187
of 2023)

For petitioners : Mr.N.Anantha Padmanabhan, Senior Counsel
for Mr.K.C Ramalingam, Advocate.

For Respondent : Mr.R.Sureshkumar,
No.1 Government Advocate (Crl.Side)



CRL OP(MD). No.15187 of 2023

WEB COPY

For 2nd respondent : Mr.A.R.Kannappan

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

PRAYER :-

For Anticipatory Bail in Crime No. 6 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 420 and 468 IPC in Crime No.6 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein have obtained a sum of Rs.33,00,000/- from the defacto complainant for the purpose of running finance company jointly and thereafter, failed to return the same. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that there was a dispute between the defacto complainant and the petitioners and the defacto complainant is the first petitioner's brother's wife and they have entered into a partnership firm in the name of "Deivendran Firm" and in this partnership finance



CRL OP(MD). No.15187 of 2023

business there was a dispute between them with regard to sharing the property.

WEB COPY

Hence, they given a complaint being the civil in nature and hence, seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that in pursuance of the complaint given by 2nd respondent, case has been registered and there is a dispute between them with regard to functioning of the partnership firm viz., Theivendran finance and in this partnership firm, the defacto complainant is the one of the partner and the investigation of the case is pending.

5. The learned counsel appearing for the defacto complainant would submit that the petitioners failed to pay the amount to the defacto complaint and hence, custodial interrogation of the petitioners is necessary and prayed for dismissal of this petition.

6. On perusal of the records it is seen that both the petitioners and the defacto complainant are relatives and that there was a money dispute between them with regard to sharing the amount in the investment and it is also seen tat it is a case of civil dispute.



CRL OP(MD). No.15187 of 2023

WEB COPY

7. Taking into consideration the principles stated by the Honourable Supreme 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, this Court is of the considered view that the alleged offence against the petitioners is not a case of heinous crime. Further, the petitioners are having permanent resident at Sivagangai District and the origin of the crime is money dispute. In this circumstances, 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 to 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 have their roots in the community and is not likely to abscond, they can safely be released on his personal bond.

8. In view of the above, I am 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



CRL OP(MD). No.15187 of 2023

WEB COPY

on which the order copy made ready, before the learned Judicial Magistrate No. I, Madurai, on condition that the petitioners shall execute own bond 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 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



CRL OP(MD). No.15187 of 2023

in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

WEB COPY

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

sd/-
13/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023. trp

TO

1. THE JUDICIAL MAGISTRATE NO. I,
MADURAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
CCB, MADURAI CITY
MADURAI.

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

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



CRL OP(MD). No.15187 of 2023

WEB COPY +1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-17687[I] dated 13/12/2023)

ORDER
IN
CRL OP(MD) No.15187 of 2023
Date :13/12/2023

RK/VR(26/12/2023) 7P / 6C

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