



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/02/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.18206 of 2022

1.Manikandan
2.Meena @ Meenakshi
3.Rajeswari
4.Vasanthi
5.Shanthi

... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
Woraiyur Police Station,
Trichy District,
Crime No.1018 of 2022.

... Respondent/Complainant

Shanthi

... Petitioner/Intervenor
In Crl.MP(MD) .14415/2022
in Crl.OP(MD) .18206/2022

For Petitioner : M/s.Karthikeyavenkitachalapath,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Sarvagan Prabhu, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.1018 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506(ii) of I.P.C. r/w 34 of IPC, in Crime No.1018 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Shanthi, is that the accused are known to her and that they are running a self help group. The further allegation is that the accused have induced her and had received money to the tune of Rs.3,45,000/- and 4 sovereigns of gold jewels and on the promise that they will arrange a Government job and later, cheated the de-



facto complainant. When the de-facto complainant had a or return of money, the accused have abused her and also criminally intimidated her. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the fact remains that there was a money dispute between the petitioners and the de-facto complainant and a false complaint has been given, as if, it is a case of job racketing and cheating. He would further submit that it is true that the petitioners have received an amount of Rs.2,00,000/- from the de-facto complainant. He would further submit that this is the second application for anticipatory bail and earlier the matter was referred to the mediation and during mediation, the petitioners have offered to settle the amount of Rs.2,00,000/- which was actually received from the de-facto complainant, where as, the de-facto complainant claimed huge amounts and thereby, the respondent did not settle the matter. He would further submit that without prejudice to their contentions, the petitioners are ready and willing to deposit Rs.2,00,000/- before the learned Magistrate to the credit of Crime No.1018 of 2022 and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioners had cheated the de-facto complainant to the tune of Rs.2,00,000/- in the guise of obtaining job and threatened and hence, he vehemently opposed to grant anticipatory bail.

5.The learned counsel for the intervenor would submit that the petitioners had cheated the de-facto complainant to the tune of Rs.2,00,000/- in the guise of obtaining job and threatened and hence, he would object for grant of anticipatory bail.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration the facts and the submissions and that the petitioners, without prejudice to their contentions, are ready and willing to deposit Rs.2,00,000/- to the credit of Crime No.1018 of 2022 before the learned Magistrate, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Trichy, 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 learned Magistrate concerned 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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.1018 of 2022 before the learned Judicial Magistrate No.IV, Trichy, without prejudice to their rights and contentions, at the time of furnishing sureties.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m for a period of four weeks and thereafter, every Saturday at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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]**.

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

9.It is made clear that the petitioners had deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-

01/02/2023

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/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE IV
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3 THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY DISTRICT

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

+1. CC to M/S.KARTHIKEYAVENKITACHALAPATH Advocate SR.No.1677

ORDER

IN

CRL OP(MD) No.18206 of 2022

Date :01/02/2023

SA/SAR.1/13.02.2023/4P/6C