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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). Nos.16470 and 17651 of 2023

Vijayalaksmi

... Petitioner/ Accused No.2
in Crl.O.P(MD).No.16470 of 2023

Muthukumar

... Petitioner/ Accused No.1
in Crl.O.P(MD).No.17651 of 2023

Vs

The state
rep. by the Inspector of Police,
Rajapalayam Police Station,
Virudhunagar District.
(Crime No.370 of 2023)

... Respondent/ Complainant
in both the petitions

S.Balasubramanian

... Intervener Petitioner/ Defacto Complainant
in CRL MP(MD)No.13604 of 2023
in CRL OP(MD)No.16470 of 2023

For Petitioners : Mr.Balamurugapandi
(in both the petitions)

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor
(in both the petitions)

For Intervenor : Mr.K.Suyambulainga Bharathi, Advocate
in CRL OP(MD)No.16470 of 2023



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

PRAYER :-

For Anticipatory Bail in Crime NO.370/2023 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 406, 420 and 506(i) IPC in Crime No.370 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have approached the defacto complainant and stated that they are going to start a chit fund and asked to deposit the money and thereby, the defacto complainant has deposited a sum of Rs.11,73,000/- on various dates, but, the petitioners have not returned the same. Hence, the complaint.,

3. The learned counsel appearing for the petitioners would submit that the petitioners are husband and wife and the petitioner in CrI.O.P(MD).No.17651 of 2023 is doing small money lending business, in which, the defacto complainant has received a sum of Rs.12,50,000/- and subsequently, returned the same, but, he failed



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to repay balance amount of Rs.75,800/- and that the petitioners sent a letter, after receiving the same, the defacto complainant has given a present complaint. He would further submit that with regard to the same civil suit is pending and therefore, the allegation against the petitioners is false and seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor filed a status report and submitted that the petitioners are running the chit fund in the name of “Krishna Siru Semippu Thittam” and collected amount from the defacto complainant and various persons. But actually, they have not run any chit fund and thereby, cheated the defacto complainant and hence, he strongly objected to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submitted that the petitioners have cheated the defacto complainant by receiving huge amount of Rs.11,73,000/- in the name of chit fund and subsequently, failed to repay the same and hence, he strongly objected to grant anticipatory bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor and the intervenor.



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7. On perusal of the status report it reveals that the petitioners are doing money lending business and they have collected huge amount from defacto complainant and various other persons in the name and style of "Krishna Siru Semippu Thittam" and issued a bogus receipt as well as pocket note and subsequently, failed to repay the same. In such circumstances this Court does not find any merit in these petitions.

8. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
16/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+2 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-15306, 15308[I] dated 17/10/2023)

ORDER
IN
CRL OP(MD). Nos.16470 and 17651 of 2023
Date :16/10/2023

SS/JGB/SAR- /21/11/2023/5P/5C

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