



CRL OP(MD). No.16880 of 2023

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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

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1. S.Jeyaseeli,

2. S.Muneeswari,

... Petitioners/ Accused 2 & 3

Vs

The Inspector of Police,

District Crime Branch,

Theni District.

(Crime No.36 of 2023).

... Respondent/Complainant

Navaneethakrishnan

... Petitioner/Intervener/De-facto Complainant

In CrI.MP(MD).14100/2023 in CrI.OP(MD).16880/2023

For Petitioner : M/s.CHENGIZ KHAN.K,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

For Intervenor : Mr.T.SUGADEV, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.36 of 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 417, 420 and 120(b) IPC in Crime



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No.36 of 2023 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners herein and other accused have received a sum of Rs.26,00,000/- from the defacto complainant on assuring that they have good connections with political parties and they can arrange for quarry licence and subsequently, failed to do the same. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are mother and wife of A1 and they 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 Additional Public Prosecutor appearing for the respondent submitted the status report, wherein in paragraph Nos. 3 and 4 they have stated the details of the amount collected by A1 and A3, which runs as follows:

“3. I humbly submit that the de-facto complaint had further stated that by believing the words of the petitioners and the 1st accused, the de-facto complainant had given a sum of Rs.5,00,000/- on 16.07.2022 in the presence of Sivakumar and Gowtham. Further the de-facto complaint states that he had given a further sum of Rs.15,00,000/- on 27.07.2022 in the presence of Manikantan and Vignesh. Thereafter the 1st accused had



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brought a quarry agreement said to have signed by the above said Navaneethakrishnan, agreeing for quarry operation had brought over the land in Patta No.528, comprised in S.Nos. 228/2, 228/5A, in Patta No. 515, c which is a Nanjai land, wherein the de-facto complainant will be Comprised in S.Nos. 200/1A, 200/1E, permitted to carry out which an advance of Rs.50,000/- was said to have paid and Rs.5,000/- for 6 unit sanda quarry operation at the rate of they had assured to get permit within a week. and Rs.2,500/- for 3 unit sand, for which an advance of Rs. 50,000/- was said to have paid and they had assured to get permit within a week.

4. I further submit that the de-facto complainant had further stated that the accused is in Chennai for getting permit and had asked the de-facto complainant to give further money and the de-facto complainant had paid a sum of Rs.4,00,000/- on 25.08.2022 to people in Selvam Finance, as directed by the 1st accused, in the presence of Dhanapal and Muthukumar. Then a sum of Rs.1,00,000/- on 26.08.2022 through bank transfer adn as sum of Rs.1,00,000/- on 27.08.2022 through G.Pay to the 1st accused, thus the defacto complainant had paid a sum of



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Rs.26,00,000/- to the 1st accused and the petitioner herein. Then they had never did any quarry nor shared any money and whenever the defacto complainant asks for the same, they came with flimsy reasons and it was only then, when the defacto complainant checked for the permit, they had provided with the permit of the year 2019, which was expired, by projecting the same to be a valid one and by using the same they had projected to do a quarry operation in the year of 2022, which shows that they had taken money by cheating the defacto complainant and hence, a complaint was preferred."

He would further submit that the petitioners also having knowledge about this transaction.

5. On perusal of the FIR, it is noticed that the alleged amount has been received by A1 viz., Murali Ragavendar and he assured for getting quarry licence to the defacto complainant and the allegation against the petitioners is that they have counted the amount of Rs.5,00,000/- given by her husband.

6. 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 Kamlendra 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)



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4 SCC 260 and taking into consideration the origin of crime, it is seen that the petitioner herein only counted the amount given by her husband. Further the petitioners are having permanent residents at Chennai. 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 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 has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. 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 is made ready, before the learned Judicial Magistrate, Theni 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 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



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directed by the trial Court.

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[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/-
16/10/2023

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/10/2023

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

TRP
TO
1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.



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3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

+1 CC to M/s.K.CHENGIZKHAN, Advocate (SR-15310[I] dated 17/10/2023)

ORDER

IN

CRL OP(MD) No.16880 of 2023

Date :16/10/2023

SA/VRS/SAR. /25.10.2023/7P/6C

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