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CRL OP(MD). N



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

Date : 01/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.21252 of 2022

1. Ramalakshmi @ T.R.Ramu

2. Chitra @ Ramachitra

... Petitioners/Accused 3 & 4

Vs

THE STATE REP. BY,
The Inspector of Police,
City Crime Brach (CCB),
Tirunelveli City.
(Crime No.15 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.15 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused is running a business in the name of Sriram Gold in Tirunelveli Town. The de-facto complainant is running a jewelry shop for the past 20 years in the same area. He used to buy gold bars from the first accused for the past several years and on 19.05.2022, he sent Rs.25 lakhs to the first accused from his account through RTGS for purchasing gold bars and on the next day, he gave a sum of Rs.55 lakhs as a liquid cash to the first petitioner for purchasing gold. Thereafter, he has not given the metal in right time and also absconded. Hence, the complaint.



3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application for anticipatory bail was dismissed on the ground that apart from this case, six complaints are pending against the petitioners. He would further submit that the fact remains that apart from this case, no other complaint is pending as against the petitioners. He would further submit that the change of circumstances remains that A1 in this case, who is the husband of the first petitioner was arrested and he has been granted bail by the lower Court. He would further submit that even as per the prosecution, other than the alleged confession stated to have been recorded from the first accused, there is absolutely no materials as against the petitioners. He would further submit that even as per the complaint, the de-facto complainant has stated that Rs.25,00,000/- was transferred by bank transactions and the remaining amount of Rs.55,00,000/- was handed over by cash for which, no proof has been submitted by the defacto complainant sofar. He would further submit that the petitioners, other than being a partners in the firm, have not participated in the business run by the first accused. He would further submit that now the family members have been unnecessarily roped in in this case and under the threat of arrest, they are trying to settle the money dispute. He would further submit that the petitioners have also delivered two bars on 19.05.2022 vide invoice No.22-23-SR-58. He would further submit that the petitioners have nothing to settle and they seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioners and other accused cheated the de-facto complainant to the tune of Rs.80,00,000/- and excepting this case, there is no other case pending against the petitioners and there are six complaints pending as against the first accused, who is the husband of the first petitioner. He would further submit that the first accused has been arrested and he has been enlarged on bail. However, he vehemently opposed to grant anticipatory bail.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each from the sum 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 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 report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

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

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

[e] 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].

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

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 NO.I,
TIRUNELVELI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE
CITY CRIME BRACH (CCB),
TIRUNELVELI CITY.

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

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.1631(I)

ORDER

IN

CRL OP(MD) No.21252 of 2022

Date :01/02/2023

NA/SAR-3/10.02.2023/4P/6C