



CRL OP(MD). No.21132 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.21132 of 2023

1. Arun @ Arunkumar

2. Bens @ Agnes Therese Benes

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
E Pudur Police Station,
Trichy City.

(Crime No.1640 of 2023).

... Respondent/Complainant

For Petitioner : Mr.M Palaniraja, Advocate.

For Respondent : Mr.R.Sureshkumar, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1640 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 417, 420 IPC in Crime No.1640 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the husband and wife

<https://www.mhc.trngov.in/judis>



CRL OP(MD). No.21132 of 2023

and they received a sum of Rs.5,00,000/- from the defacto complainant by giving assurance that they will arrange a railway job to him. However, the petitioners have not arranged the job. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that there is no material for payment of money. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the defacto complainant filed a petition under Section 156(3) Cr.P.C before the Judicial Magistrate No.II, Trichy and obtained order. Thereafter, the present First Information Report came to be filed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Heard both sides and perused the materials available on the record.

6. It is seen that no document has been produced to prove the payment received by the petitioners. Therefore, considering the facts and circumstances of the case and 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)4 SCC



CRL OP(MD). No.21132 of 2023

260 and taking into consideration the origin of crime, it is seen that the alleged offence against the petitioners is not a case of heinous crime.

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 made ready, before the learned Judicial Magistrate No.II, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like 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 petitioner 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 trial Court on summons.

[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



CRL OP(MD). No.21132 of 2023

WEB COPY

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/-
05/12/2023
/ TRUE COPY /

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

skn

TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, E PUDUR POLICE STATION, TRICHY CITY.

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

+1 CC to M/s.M.PALANIRAJA, Advocate (SR-17310[I] dated 06/12/2023)



WEB COPY



CRL OP(MD). No.21132 of 2023

ORDER

IN

CRL OP(MD) No.21132 of 2023

Date :05/12/2023

RS/DD/SAR-(08.12.2023) 5P 6C

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