



CRL OP(MD) No.240 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Ninth day of January Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.240 of 2024

MUTHUMARI

... Petitioner / Accused Rank not known

Vs

THE SUB INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.185/2023.)

... Respondent / Complainant

For Petitioner : Mr.V.M.Jegadees Pandian, Advocate
for M/s.E.Marees Kumar, Advocate
For Respondent : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.185/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 294(b), 506(i) IPC in Crime No.185 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 approached the defacto complainant and informed that lands situated in Virudhunagar main road, to an



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extent of 5 acres, belongs to one Sripathi Paper Mills owner one Ravichandran and he decided to sell the property for his business expenditure with low price. Therefore, the accused persons insisted the defacto complainant to invest amount to purchase the above said property. Therefore, the defacto complainant invested a sum of Rs.10,00,000/- and thereafter, he paid Rs.41,00,000/- to the accused persons for the purpose of settling the amount to the land owner. After receiving the amount, the accused persons switched off their phones. Hence, the defacto complainant approached the accused persons and asked about the amount, at that time, the accused persons abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that only based on the confession statement given by A1, the petitioner herein was implicated as an accused. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that A1 and the petitioner herein husband and wife and A1 received amount from the defacto complainant and handed over to the petitioner herein. As per confession statement given by A1, a search was conducted in his



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home and the respondent police recovered 19 and half sovereigns of gold jewels and a sum of Rs.18,00,000/- as cash. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that 19 and half sovereigns of gold jewels and a sum of Rs.18,00,000/- as cash recovered from the house of the petitioner herein, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, on condition that the petitioner 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or



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Bank pass Book to ensure their identity;

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(c)the petitioner shall report before the Inspector of Police, All Women Police Station, Sivakasi daily at 10.30 am., until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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1.The Judicial Magistrate No.II,
Sivakasi.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
All Women Police Station,
Sivakasi.

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-408[I] dated 09/01/2024)

ORDER

IN

CRL OP(MD) No.240 of 2024

Date :09/01/2024

ED/ DD /SAR- (19/01/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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