



CRL OP(MD) No.1840 of 2024

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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CHANDRALEGA

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.518/2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.VADIVEL, Advocate

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.518 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 417 and 420 IPC in Crime No.518 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 25.08.2020, the petitioner borrowed a



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sum of Rs.4,00,000/- from the defacto complainant for redeem her mortgaged gold jewels. The petitioner and the defacto complainant entered into an agreement for debt and time duration was also fixed as one year. Thereafter, the petitioner neither returned the principal amount nor paid the interest. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Actually, the petitioner's brother and his wife namely Gokilavani forced the petitioner to marry the brother of Gokilavani. But the petitioner married another man, who belongs to another community. Therefore, the petitioner's brother and his wife set up the defacto complainant and put up the false case against the defacto complainant by creating a false agreement. But the defacto complainant has not received money from the petitioner. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the defacto complainant received Rs.4,00,000/- from the defacto complainant and thereafter, she refused to return the money, hence cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and it appears to be a civil dispute between the parties, this Court is inclined to grant anticipatory bail to



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the petitioner.

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6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, Madurai District, 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 Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required;

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

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



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(f) 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;

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

sd/-
07/02/2024

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/02/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.A.VADIVEL, Advocate (SR-1535[I] dated 07/02/2024)



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ORDER

IN

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Date :07/02/2024

RS/JGB/SAR-(12.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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