



CRL OP(MD) No.2066 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2066 of 2024

1 VIRJIN

2 SHAMA @ VARSHINI

... PETITIONER/ ACCUSED NO.1 & 2

Vs

THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.231 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.JERIN MATHEW, Advocate
for M/S.J.BEBIN JOSE, 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.231 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for
the alleged offence under Sections 420, 294(b) and 506(i) IPC in Crime No.231 of 2023,



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seek anticipatory bail.

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2.The case of the prosecution is that the petitioners approached the defacto complainant to join in their chit fund for a sum of Rs.40,00,000/- and thereafter, the defacto complainant has paid a sum of Rs.16,57,444/- to the petitioners on various installments, however, at the auction, when the defacto complainant asked the amount, the petitioners refused to repay the same. When the same was questioned, the petitioners scolded the defacto complainant in filthy language and threatened him with dire consequences. Hence this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he would further submit that the petitioners are ready to deposit a sum of Rs.5,00,000/- jointly, to the credit of Crime No.231 of 2023 before the trial Court without prejudice to their rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioners succeed in the trial, liberty may be granted to the petitioners for refund of the said amount. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent



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Police would submit that the investigation is yet to be completed.

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5. Considering the facts and circumstances of the case and the fact that the petitioners are ready to deposit a sum of Rs.5,00,000/- jointly before the trial Court, without prejudice to their rights and contentions, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanyakumari District, 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 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 petitioners 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;



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(c) the petitioners shall make a payment of Rs.5,00,000/- (Rupees Five Lakhs only) jointly to the credit of Crime No.231 of 2023 before the learned Judicial Magistrate, Eraniel, Kanyakumari District, without prejudice to their rights and contentions, within a period of two weeks from the date of receipt of a copy of this order and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioners succeed in the trial, they are entitled for refund of the said amount;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(f) the petitioners 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 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]; and;



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

sd/-
13/02/2024

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/02/2024

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

TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.J.BEBIN JOSE, Advocate (SR-1837[I] dated 14/02/2024)

ORDER
IN

CRL OP(MD) No.2066 of 2024
Date :13/02/2024

RS/JGB/SAR-(16.02.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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