



CRL OP(MD) No.2352 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 ROBIN HEMA SALT.S

2 SAHAYA ANTONY

3 J.PUVANA

4 C.SAHAYA YUJIN BABY

5 CHELLU @ ARJULAFEMI

... Petitioner / Accused No.1 to 5

Vs

THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.11 OF 2024.)

... Respondent / Complainant

For Petitioners : M/s.Niranjan S.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.11 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners/accused Nos.1 to 5, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 420, 406 and 506(i) IPC and Section 4 of TNPHW Act in Crime No.11 of 2024 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the accused Nos.1 and 2 were running a chit fund and on request made by the accused Nos.1, 3 and 4, the defacto complainant decided to join for two chits for an amount of Rs.10,00,000/- for 50 installments. The defacto complainant paid the amount for 38 installments, thereafter, he stopped the payment. After that, he received Rs.1,70,000/- and when he asked the balance amount of Rs.3,60,800/-, the petitioners entered into quarrel and refused to repay the same to the defacto complainant. Thereby, the defacto complainant made a complaint before the respondent Police.

3.The learned counsel for the petitioners would submit that the petitioner are innocent persons and they did not involve any such offences as alleged by the prosecution. Further, it is a money dispute between the petitioners and the defacto complainant. However, on instruction, he would submit that the petitioners are ready to deposit the amount of Rs.2,00,000/- jointly to the defacto complainant,



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without prejudice their right and contention before the trial Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, liberty may be given to the petitioners for refund of the said amount.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation is pending and in the event of non payment of above said conditional amount, the bail granted by this Court may be automatically cancelled.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

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, 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



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a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs and Ten Thousand only) jointly to the credit of Crime No.11 of 2024, before the learned Judicial Magistrate, Eraniel, 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 thereafter, the sureties shall be accepted by the concerned trial Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, the petitioners are entitled for refund of the said amount;

(c) 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;

(d) the petitioner Nos.1, 3, 4 and 5 shall report before the respondent Police as and when required for interrogation and the petitioner No.2 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

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



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(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;

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

sd/-
15/02/2024

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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,
Eraniel.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.



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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.NIRANJAN S.KUMAR, Advocate (SR-1923[I] dated 15/02/2024)

ORDER
IN
CRL OP(MD) No.2352 of 2024
Date :15/02/2024

ED/ VR /SAR- (27/02/2024) 6P / 6C

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