



CRL OP(MD) No.3086 of 2024

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.3086 of 2024

M.SHEELA

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION (CRIME),
TRICHIRAPPALLI TOWN,
TRICHIRAPPALLI DISTRICT.
CRIME NO.2221/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.S.KATHIRAVAN, 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.2221/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the
respondent Police for the offences punishable under Sections 420 of IPC in Crime
No.2221 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave Rs.8,00,000/-
to the husband of the first accused for securing a job to his son. Thereafter, the
husband of the first accused returned Rs.50,000/- to the defacto complainant.



CRL OP(MD) No.3086 of 2024

Thereafter, he neither secured a job nor returned the amount. Later, the husband of the first accused died. When the defacto complainant approached the first accused demanding money, she threatened the defacto complainant with dire consequences. Hence, the present complaint has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and they did not involve any such offences as alleged by the prosecution. However, on instruction, he would submit that the petitioner is ready to deposit the amount of Rs.2,00,000/- to the defacto complainant, without prejudice her 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 petitioner succeeds in the trial, liberty may be given to the petitioner 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 petitioner is granted anticipatory bail and he is ordered to be



CRL OP(MD) No.3086 of 2024

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

(b) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.2221 of 2023, before the learned Judicial Magistrate No.II, Tiruchirappalli, without prejudice to her 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 petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(c)the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD) No.3086 of 2024

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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 shall report before the respondent Police as and when required for interrogation;

(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/-
28/02/2024

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/03/2024

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

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CRL OP(MD) No.3086 of 2024

TO

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1 THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE, CANTONMENT POLICE STATION (CRIME),
TRICHIRAPPALLI TOWN, TRICHIRAPPALLI DISTRICT.

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

+1 CC to M/s.K.S.KATHIRAVAN, Advocate (SR-2545[I] dated 29/02/2024)

ORDER

IN

CRL OP(MD) No.3086 of 2024

Date :28/02/2024

RS/GS/SAR-(11.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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