



CRL OP(MD) No.3456 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3456 of 2024

S.P.MURUGAN

... PETITIONER / SOLE ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.
CRIME NO. 357/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAJA.M.A.M Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 357 OF 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 under Sections 406, 417, 465 and 506(i) of IPC in Crime No.357 of
2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a chit

<https://www.mhc.tn.gov.in/judis>



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fund, in which, the petitioner is a subscriber in a group for a value of Rs.5,00,000/-.

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The petitioner has paid chit amounts up to 8th installment. The defacto complainant had given Rs.3,70,000/- to the petitioner and got two unfilled cheques and two pronotes as securities for the amount received by the petitioner and thereafter, he did not repay the same. Hence, the defacto complainant gave a complaint before the respondent Police, but the same was refused, so a private complaint was filed by the defacto complainant under section 156(3) of Cr.P.C., before the concerned trial Court. By order of the trial Court, the respondent Police has taken the complaint of the defacto complainant on file. Hence, the present petition.

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 he has been falsely implicated in this case. The petitioner continuously paid eight installment and he has received the chit amount of Rs.3,70,000/- instead of Rs.3,89,000/-. The defacto complainant received two unfilled cheques and two pronotes as securities for the amount received by the petitioner. Further, on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.2,50,000/- to the credit of Crime No.357 of 2023 before the concerned trial Court, without prejudice to his rights and contentions. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the



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defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. 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 the petitioner is ready to deposit Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) to the credit of Crime No.357 of 2023, before the concerned trial Court, without prejudice to his right and contention, this Court is inclined to grant anticipatory bail to the petitioner.

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 six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 six weeks from the date of receipt of a copy of this order, this order shall



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stand automatically cancelled;

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(b) the petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of the Crime No.357 of 2023 before the concerned trial Court, without prejudice to his defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order. 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) on payment of Rs.2,50,000/- by the petitioner before the concerned trial Court, the defacto complainant is directed to return two unfilled cheques and two pronotes to the petitioner, which were given by the petitioner.

(d) 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;

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

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

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



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(h) 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;

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

sd/-
05/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THENI.

2 THE JUDICIAL MAGISTRATE,
THENI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

4 THE SUB INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.3456 of 2024
Date :05/03/2024

SA/VR/SAR. /15.03.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.