



CRL OP(MD) Nos.3914 and 4011 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.3914 and 4011 of 2024

R.LATHANANDHINI

... Petitioner / Accused No.2
in CRL OP(MD) No.3914 of 2024

VENKATESAN

... Petitioner / Accused No.1
in CRL OP(MD) No.4011 of 2024

Vs

THE INSPECTOR OF POLICE
KOMBALAI POLICE STATION,
THENI DISTRICT.
(CRIME NO.36 OF 2024)

... Respondent / Complainant
in both petitions

In both petitions

For Petitioner : M/s.A.Arul Jenifer, Advocate
for M/S. KBS Law Office, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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



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COMMON PRAYER :

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FOR ANTICIPATORY BAIL IN CRIME NO. 36 OF 2024 ON THE FILE OF THE RESPONDENT POLICE.

COMMON ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 417, 420 and 506(i) of IPC, in Cr.No.36 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received a sum of Rs.5,00,000/- from the defacto complainant by giving false promise to secure Government and thereafter, cheated the defacto complainant and refused to return the amount. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners already paid a sum of Rs.1,80,000/- to the account of the defacto complainant directly and the remaining amount will be paid within a reasonable time as fixed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that it is a case of job racketing and the petitioners have already paid Rs.1,80,000/- to the account of the defacto complainant directly and the remaining amount is not yet paid and the investigation is almost completed. Hence, he strongly opposed the grant of



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anticipatory bail to the petitioners.

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5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Bodinayakkanur, Theni 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 four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner/A1 is directed to deposit a sum of Rs.3,20,000/- (Rupees Three Lakhs and Twenty Thousand only) by way of demand draft drawn in favour of the de-facto complainant, within a period of four weeks, without prejudice to his rights and contentions and also produce the same before the concerned Court while executing sureties.



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Thereafter, the learned Magistrate shall handover the said demand draft to the de-facto complainant directly;

(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/ A1 shall report before the respondent police till the payment is made; the petitioner/ A2 shall report before the respondent police 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 abscond, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
13/03/2024

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

SJI

To

1.The Judicial Magistrate,
Bodinayakkanur, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Kombai Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.KBS OFFICE, Advocate (SR-3268 & 3269[I] dated 15/03/2024)

ORDER
IN
CRL OP(MD) Nos.3914 and 4011 of 2024
Date :13/03/2024



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ED/ VR /SAR- (19/03/2024) 6P / 7C

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