



CRL MP(MD) No.3389 of 2024

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL MP(MD) No.3389 of 2024
in
CRL OP(MD) No.15561 of 2022

JUSTIN JOSEPH RAJ

... Petitioner / Intervener

Vs

1 SHAKILA

... 1st Respondent / Petitioner

2 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 134/2022)

... 2nd Respondent / Respondent

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory bail granted to the 1st respondent / petitioner in Crl O.P (MD) No. 15561 of 2022 dt. 04.11.2022 on the file of this Honble court.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.K.RAJESHWARAN, Advocate for the petitioner and of MR.D.S.HAROON RASHEED, Advocate on behalf of the 1st Respondent and Mr.P.KOTTAICHAMY, Government Advocate (Crl. side) on behalf of the 2nd Respondent, the Court made the following order:-

This criminal miscellaneous petition has been filed to cancel the anticipatory bail granted to the first respondent/petitioner in Crl.O.P.(MD)No.15561 of 2022 dated 04.11.2022.



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2.The case of the petitioner is that the first respondent along with her husband/A1 approached the defacto complainant and insisted him to invest Rs.50 lakhs in the garment business and also stated that if the petitioner invested the said amount, he would get Rs.4 lakhs or Rs.5 lakhs of profit each month. Believing their words, the petitioner/defacto complainant transferred a sum of Rs.39,20,405/- from his account and handed over a sum of Rs.8 lakhs in cash. Thereafter, the accused persons neither inducted the petitioner as one of the partners nor repaid any profit. On repeated demands, they gave a sum of Rs.29,15,661/-. When he demanded the balance amount, they abused him in filthy language and threatened him with dire consequences. Hence, the petitioner herein lodged a complaint before the second respondent. Thereby, a criminal case was registered against the first respondent in Crime No.134 of 2022 for the offences under Sections 406 and 420 of IPC. Against which, the first respondent filed an application for anticipatory bail before this Court in CrI.O.P.(MD)No.15561 of 2022 and the same was allowed on 04.11.2022 directing the petitioner to deposit Rs.5,00,000/- to the credit of Crime No.134 of 2022 before the concerned Magistrate.

3.The learned counsel for the petitioner would submit that as against the condition imposed by this Court in the above said order dated 04.11.2022, the first respondent/accused preferred an appeal before the Hon'ble Apex Court and the



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Hon'ble Apex Court reduced the amount from Rs.5 lakhs to Rs.1 lakh. However, the first respondent had neither deposited the amount as per the orders of the Hon'ble Apex Court nor appeared before the respondent police daily at 10.30 a.m.,. Hence, he filed the present petition for cancellation of anticipatory bail.

4.The learned counsel for the first respondent would submit that the amount of Rs.1,00,000/- was deposited on 25.03.2024 and hence, the order of the Hon'ble Apex Court has been complied with and the petitioner also appeared before the respondent police daily. He would further submit that the petitioner is ready to appear again before the respondent police for a period of two weeks and hence, he prayed for dismissal of this petition.

5.At this juncture, the learned counsel for the petitioner would further submit that if the first respondent/accused succeeded in the criminal case, the petitioner has no serious objection to return the said amount to the first respondent/accused.

6.Heard the learned Government Advocate (Crl. side) appearing for the second respondent.

7.Considering the facts and circumstances of the case and also considering the fact that the first respondent is ready to comply with the condition imposed by this Court, no supervening circumstances were brought to the notice of this court as enumerated by the Apex Court in the case of Daulat Ram – Vs – State of Haryana



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(1995 (1) SCC 349) and therefore, the prayer as sought for by the petitioner cannot be
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acceded to.

8.For the reasons aforesaid, the petition seeking to cancel the anticipatory bail granted to the first respondent cannot be sustained and, accordingly, the same is dismissed.

(*)9.However, the first respondent is directed to appear before the second respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

sd/-
27/03/2024

(*)Modified as per order of this
Hon'ble Court in CRL MP(MD).
3389/2024 in CRL OP(MD).
15561/2022 dated 14/06/2024

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/07/2024

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

SJI

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
18/04/2024

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.



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3 THE INSPECTOR OF POLICE, SILAIMAN POLICE STATION,
MADURAI DISTRICT.

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

+1. C.C. to M/S.K.RAJESHWARAN, Advocate SR.No.16950[F] Dated 28/03/2024

ORDER

IN

CRL MP(MD) No.3389 of 2024

IN

CRL OP(MD) No.15561 of 2022

Date :27/03/2024

RS/JGB/SAR-(17.04.2024) 5P 6C

RS/JGB/SAR-(15.07.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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