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CRL OP(MD). No.5144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5144 of 2024

1. Sasikumar

2. S.Rajeshwari

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
District Crime Branch (DCB),
Madurai District.
(In Crime No.1/2024).

... Respondent/Complainant

For Petitioner : Mr.D.S.HAROON RASHEED, Advocate

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

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

PRAYER :- For Anticipatory Bail in Crime no.1 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.01 of 2024, for the offence punishable under Sections 406, 420, 294(b) and 506(i) IPC, have filed this petition seeking anticipatory bail.



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2. The case of the prosecution is that the petitioners are the husband and wife and they are running a Company, by name M/s.DBI Digital Zatiop and Implementation Limited, Kodambakkam. They have collected a sum of Rs.33,50,000/- from several persons by giving assurance that they will secure job for them, but they failed in their promise and also have not returned the amount. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. It is purely a business transaction between the parties for purchasing a land and for that, the petitioners have received a sum of Rs.26,68,000/- and they have executed a sale deed in favour of the defacto complainant on 05.11.2020.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that in this case, investigation is yet to be completed.

5.The respondent Police has filed a status report admitting the fact that the petitioners have executed a document in favour of the defacto complainant on 05.11.2020.

6.Considering the nature of allegation, this Court has also granted interim anticipatory bail to the petitioners to enable them to appear before the respondent



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Police and co-operate for enquiry.

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7.Considering the facts and circumstances of the case and also considering the fact that the petitioners have executed a document in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned Judicial Magistrate on condition that

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand)each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent police daily at 10.30a.m., for a period of four weeks, and thereafter, shall appear before the respondent Police as and when required for interrogation. They have to co-operate for the investigation;



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(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses;

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
25/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
MADURAI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.5144 of 2024
Date :25/04/2024

SA/GS/SAR. /23.05.2024/5P/5C

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