



CRL OP(MD). No.5350 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Sumathi,

2. Suraj,

... Petitioners/ Accused

Vs

The Inspector of Police,  
Pattiveeranpatti Police Station,  
Dindigul District.  
Cr.No.231/2023.

... Respondent/ Complainant

For Petitioner : Mr.S.SIVAPRAKASH,  
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,  
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.231/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioners, who apprehend arrest at the hands of the respondent police for



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the alleged offence punishable under Sections 120(B), 294(b), 406, 420 and 506(i) of IPC, in Crime No.231 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioners is that they have borrowed money from the defacto complainant to the tune of Rs.26,89,500/- for arranging job in abroad and later, they cheated the defacto complainant.

3.The learned counsel appearing for the petitioners submits that the first petitioner is the Headmistress and the second petitioner is her son. The second petitioner is running a bakery, for which, he has received a loan from the defacto complainant to the tune of Rs.20,00,000/-, for which, the first petitioner has also given three cheques, bearing Nos.493442, 493443 and 493444 to the defacto complainant. The defacto complainant is a money lender, has foisted this case with the help of the respondent police as if it is a case of job racketing.

4.The learned Additional Public Prosecutor submits that the petitioners received a sum of Rs.26,89,500/- from the defacto complainant by giving promise to secure job in abroad and later, cheated him. Hence, he strongly opposes the grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also the fact that there is a specific overt act against the second petitioner, this Court is not inclined to grant



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anticipatory bail to the second petitioner. Accordingly, this petition is dismissed as  
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against the second petitioner.

6.Considering the nature of allegation made against the first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, this criminal original petition is partly allowed and the first petitioner is ordered to be 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 Judicial Magistrate, Nilakottai, Dindigul District, on condition that the first petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai, Dindigul District and on further conditions that:

- i. The first petitioner 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;
- ii. The first petitioner shall appear before the respondent police daily at 10.30 am for a period of two weeks and thereafter shall appear as and when required by the respondent police. She has to co-operate for the investigation.



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iii. The first petitioner shall not misuse the liberty granted to her by indulging in any further offence and shall not tamper with the prosecution witnesses. The first petitioner shall be available for the trial as well.

iv. On violation of any of the above conditions by the first petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-  
05/04/2024

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/04/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI  
TO

1 THE JUDICIAL MAGISTRATE,  
NILAKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,  
PATTIVEERANPATTI POLICE STATION,  
DINDIGUL DISTRICT.

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



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+1 CC to M/s.S.SIVAPRAKASH, Advocate ( SR-4210[I] dated 05/04/2024 )

ORDER  
IN  
CRL OP(MD) No.5350 of 2024  
Date :05/04/2024

SA/GS/SAR. /12.04.2024/5P/6C

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