



CRL OP(MD). No.13136 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Raja,
2. Vanitha

... Petitioners/ Accused Nos. 1 & 2

Vs

The Inspector of Police,
District Crime Branch,
Dindigul District,
Dindigul.Crime No.09 of 2024..

... Respondent/ Complainant

For Petitioners : M/s.N.Shanmuga Selvam, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For intervenor : Mr.N.Adithya Vijayalan

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime no.09 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the

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respondent police for the offences punishable under Sections 406, 420 and 120(b) IPC in Crime No.09 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein have received a sum of Rs.41,50,000/- as a loan from the defacto complainant on various dates and subsequently, failed to repay the same. Hence, the case.

3. Heard the learned counsel for the petitioners and the counsel for intervenor and the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

4. It is stated that the first petitioner is arrested. As far as the 2nd petitioner is concerned, the learned counsel for the intervenor opposed the application on the ground that that amount was transacted through her account only and a sum of Rs.16,00,000/- has been received by her and she has spent it for her children.

5. Per contra, learned counsel for the petitioners argued that the defacto complainant used the service of the petitioners to withdraw the amount to be paid to the third party. Further, the learned counsel for the petitioners would submit that the 2nd petitioner's husband, against whom the primary allegations are made, is also now arrested. He would also submit that to show her bonafide, the 2nd is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of crime number.

6. Considering the nature of allegations made against the 2nd petitioner and in



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view of the undertaking given by the 2nd petitioner, I am inclined to enlarge the 2nd petitioner on anticipatory bail.

7. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, on condition that the 2nd petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the 2nd petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

b) As per the undertaking, the 2nd petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakhs only) to the credit of Crime No.09 of 2024 on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District without prejudice to her rights and contentions before the trial Court;

(c) the 2nd petitioner shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

(d) the 2nd petitioner shall not tamper with evidence or witness either during



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investigation or trial;

(e) the 2nd petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 2nd petitioner 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;

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

8. Since the first petitioner was arrested, this Criminal Original Petition is dismissed as against the first petitioner.

sd/-
20/08/2024

/ TRUE COPY /

/ 09 / 2024

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

TRP

TO
1 THE JUDICIAL MAGISTRATE,
NO II, DINDIGUL.

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



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2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT, DINDIGUL.

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

+1 CC to M/s.N.SHANMUGA SELVAM, Advocate (SR-10234[I] dated 21/08/2024)

ORDER
IN
CRL OP(MD) No.13136 of 2024
Date :20/08/2024

PSP/ GS /SAR /03.09.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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