



CRL OP(MD) No.14905 of 2023

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

Thursday, the First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14905 of 2023

ANANTHI

... Petitioner / Accused No.2

Vs

1 THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.317 OF 2023)

... Respondent / Complainant

2 I.SURESH KUMAR

... Petitioner / Intervener / Defacto Complainant
in CRL MP(MD) No.307 of 2024

For Petitioner : M/s.M.A.Velmurugan, Advocate

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

For Intervener : Mr.P.Bala Murugan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 439 Cr.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.317 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 417, 420 and 506(i) of IPC, in Cr.No.317 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A1 received a sum of Rs.5,33,000/- (A1-Rs.2,90,000/- and A2-Rs.2,43,000/-) from the defacto complainant by giving a false promise that they will include the defacto complainant as one of the partner in their business. Thereafter, they failed to repay the same. When the defacto complainant demanded the same, the petitioner along with other accused abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. However, the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.1,05,000/- to the credit of Cr.No.317 of 2023 before the trial Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeed in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for grant of



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anticipatory bail to the petitioner.

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4.The learned counsel for the defacto complainant would submit that the total amount cheated by the accused persons is Rs.5,33,000/-. The defacto complainant only received a sum of Rs.75,000/- (Rs.45,000 + Rs.30,000/-) from the accused persons and the balance amount to be paid by them is Rs.4,58,000/-. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. side) appearing for the State would submit that the investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is granted anticipatory bail and she 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 learned Judicial Magistrate No.II, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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:

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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b).as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.317 of 2023 before the learned Judicial Magistrate No.II, Dindigul, and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioner succeeding in the case, the amount will be refunded to her.

(c).the sureties shall affix her photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of her Aadhar card or Bank pass Book to ensure their identity;

(d).the petitioner shall report before the respondent police as and when required for interrogation;

(e).the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f).the petitioner shall not abscond either during investigation or



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trial;
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(g).on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

sd/-
01/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate No.II,
Dindigul.

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



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3.The Inspector of Police,
Town North Police Station,
Dindigul District.

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

ORDER
IN
CRL OP(MD) No.14905 of 2023
Date :01/02/2024

ED/ JGB /SAR- (06/02/2024) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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