



CRL OP(MD). No.14721 of 2024

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

Date : 10.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14721 of 2024
and
CrI.M.P.(MD)No.9588 of 2024

1. Leela Prema

2. Salamon William Jebaraj

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.08 of 2024)

... Respondent/Complainant

For Petitioners : Mr.C.Mayilavahana Rajendran, Advocate.

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

For Intervenor : Mr.N.Mohideen Basha, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.08 of 2024 on the file of the
Respondent police.



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ORDER: The Court made the following order :-

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The petitioners /Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 418, 420 & 506(i) of IPC, in Crime No.08 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received a sum of Rs.65,00,000/- from the defacto complainant for supplying Inter Active Panel Smart Board. Thereafter, the petitioners neither supplied the Smart Board nor returned the money to the defacto complainant. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the nature of allegation in the case, the earlier petition was dismissed by this Court. Today the learned Counsel for the petitioners would submit that already the first petitioner's husband is arrested. As far as the second petitioner is concerned, without prejudice to his contentions, the learned Counsel for the petitioners submit that the second petitioner will deposit a sum of Rs.10,00,000/- to the credit of the crime number. The learned Counsel for the de facto complainant opposes the prayer by stating that there is no change of circumstances. Earlier, this Court has categorically held that the offence of cheating is made out.



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5. It is true that earlier anticipated bail application is dismissed. However, subsequently the first petitioner's husband is arrested and is taken on custody. The learned counsel for the petitioners voluntarily gives an undertaking that they will pay a sum of Rs.10,00,000 to the credit of the crime number. Considering the above submissions, I am inclined to enlarge the petitioners on anticipatory bail with certain conditions.

6. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate No.I, Tirunelveli, on condition that the petitioners 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 petitioners 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 undertaken, the petitioners shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.08 of 2024 before the Judicial



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Magistrate No.I, Tirunelveli, without prejudice to his rights and contentions before the trial Court within a period of four weeks from the date of receipt of a copy of this order and produce the receipt/acknowledgment before the concerned Court while executing sureties. Only upon deposit, the petitioner shall be enlarged on anticipatory bail.

(c)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229-A IPC.



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7. Consequently, connected miscellaneous petition is closed.

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sd/-
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Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

To

1.The Judicial Magistrate No.I,
Tirunelveli.

2.The District Munsif cum Judicial Magistrate No.I,
Tirunelveli.

3.Do through the Chief Judicial Magistrate,
Tirunelveli District.

4.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

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

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-11155[I] dated
11/09/2024)

ORDER
IN

CRL OP(MD) No.14721 of 2024
Date :10/09/2024



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ED/ JGB /SAR- (26/09/2024) 6P / 7C

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