



CRL OP(MD). No.17146 of 2024

WEB COPY

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

Date : 21/10/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17146 of 2024

Jeeva

... Petitioner/ Accused No.2

Vs

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Thallakulam Police Station,
Madurai.
(Crime No. 284/2024.)

... Respondent / Complainant

2. The Commissioner of Police,
Madurai City.
(R2 is suo motu impleaded as per order
of the Court dated 21.10.2024 in CRL OP
(MD) No.17146 of 2024)

... 2nd Respondent

For Petitioner : M/s. Sukumar.V, Advocate

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- To enlarge the petitioner on bail in the event of his arrest or surrender in connection with the case in C.C No. 936 of 2024 on the file of the learned Judicial Magistrate No.II, Madurai district.



CRL OP(MD). No.17146 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner, apprehending arrest at the hands of the respondent Police, in C.C.No.936 of 2024, on the file of the learned Judicial Magistrate No.II, Madurai, in connection with a case in Crime No.284 of 2024, for the offence punishable under Sections 406 and 420 IPC, has filed this petition seeking anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the second wife of one Mariappan, who was a Government servant. While, he was in service in the year 2015, he died. The defacto complainant borrowed a sum of Rs,1,00,000/- from the petitioner's mother and she introduced A3 to the defacto complainant and A3, a broker has arranged to get the service benefits of the defacto complainant's husband and the amount has also been credited to the defacto complainant's Bank account. Thereafter, the petitioner along with the other accused forcibly took the defacto complainant to the Bank and withdrew the entire monetary benefits from her account. Hence, the complaint.

3.The earlier applications filed by the petitioner in Crl.O.P(MD)Nos.12698 and 7927 of 2024, seeking the very same relief were dismissed. The present application has been filed on the change of circumstances that the final report in Crime No.284 of 2024 is filed before the learned Judicial Magistrate No.II, Madurai and the same is taken on file as C.C.No.936 of 2024.



CRL OP(MD). No.17146 of 2024

WEB COPY

4. In this case, the first accused was arrested and released on bail on the condition that she has to deposit a sum of Rs.10,00,000/- to the credit of C.C.No.936 of 2024. The first accused has also deposited the same as directed by this Court. By referring the same, the petitioner herein seeks anticipatory bail that he is also prepared to make a similar deposit.

5. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the final report was filed even before the dismissal of the earlier applications.

6. This Court is not inclined to encourage these type of offences by granting anticipatory bail.

7. The fact remains that for a sum of Rs.1,00,000/- received by a widow/defacto complainant, a sum of Rs.20,00,000/- has been forcibly withdrawn from the death benefits of the husband of the defacto complainant, by taking her to the Bank. Though this incident has been captured in the CCTV, for the occurrence, which was taken place on 23.06.2023, the criminal case was registered only on 12.03.2024, which shows the influence of the petitioner and the other accused in preventing the prosecution for nearly nine months. In the event, if the petitioner is granted anticipatory bail, there is every possibility of tampering with the witnesses.

Therefore, this Court is not inclined to grant anticipatory bail. Accordingly, this



CRL OP(MD). No.17146 of 2024

Criminal Original Petition is dismissed.

WEB COPY

8. Even after the dismissal of two anticipatory bail applications filed by the petitioner, the Inspector of Police, Thallakulam Police Station, Madurai, is not in a position to secure the petitioner. Therefore, the applications are filed repeatedly by the petitioner. Since the respondent police is not in a position to secure the petitioner, this Court suo-motu impleads the Commissioner of Police, Madurai City as second respondent to this petition and directs him to depute a special team to secure the petitioner and ensure that the trial in C.C.No.936 of 2024 is conducted in fair and proper manner. The newly impleaded second respondent shall also monitor the process of trial and ensure that the CCTV footage, which was recovered from the Bank was properly placed before the trial Court following the guidelines issued under Section 65 B of the Indian Evidence Act.

sd/-
21/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



CRL OP(MD). No.17146 of 2024

To

WEB COPY

1.The Inspector of Police,
Thallakulam Police Station,
Madurai.

2.The Commissioner of Police,
Madurai City.

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

+1CC to M/s.V.SUKUMAR, Advocate, SR No.12856(I), dated 22.10.2024

ORDER

IN

CRL OP(MD) No.17146 of 2024

Date :21/10/2024

ED/ JGB /SAR- (06/11/2024) 5P / 5C

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