



CRL OP(MD). No.17284 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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1. Vaigai Pandi @ Pandian

2. Mahalakshmi

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
Andipatti Police Station,
Theni District.

Crime No. 344/2024.

... Respondent/ Complainant

For Petitioners : M/s Maharaja.M, Advocate

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

For Defacto - : Mr.C.Senthil Murugan, Advocate
Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER:- For Anticipatory Bail in Crime No. 344 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 respondent police for the offences punishable under Sections 126, 296(b), 318 and 351(3) BNS, in Crime No.344 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has invested a sum of Rs.13,00,000/- in the petitioners' finance firm and subsequently, due to misunderstanding, the defacto complainant left the partnership and demanded to return the said amount. The petitioners have repaid a sum of Rs.9,20,000/- to her. However, they have not settled the balance amount. Therefore, the defacto complainant requested them to settle the balance amount of Rs.4,00,000/-, for which, the accused have threatened her. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the defacto complainant by suppressing some more amount which have been repaid by the petitioner, now demanding a sum of Rs.4,00,000/-. He further submits that the petitioners are ready to abide any condition and co-operate for the investigation. It is a case of money dispute, however, criminal color has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent

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



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Police submits that it is a matter of money transaction. The petitioners have threatened the defacto complainant regarding the settlement of the balance amount.

5.The learned Counsel for the defacto complainant submits that the petitioners have already moved anticipatory bail application before the concerned sessions Court, which was dismissed. Even thereafter, they have continued to criminally intimidate the defacto complainant and in this regard, a CSR was also registered by the respondent police.

6.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 Judicial Magistrate, Andipatti on condition that the petitioners shall execute a bond for a sum of Rs.15,000/-(Rupees Fifteen 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



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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)the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks;

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

(d)the petitioners shall not abscond either during investigation or trial;

(e)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;

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

sd/-
09/10/2024

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/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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LR

TO

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1 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M.MAHARAJA, Advocate (SR-12375[I] dated 14/10/2024)

ORDER

IN

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Date :09/10/2024

SA/MMS/SAR. /16.10.2024/5P/6C

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