



CRL OP(MD). No.18838 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18838 of 2024

1.Shanmugavalli

2.Vinoth

3.Archana

... Petitioners/ Accused No. 1 to 3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
K.Pudhur Police Station,
Madurai City.
(Crime No.319 of 2024)

... Respondent/Complainant

For Petitioners: Mr.K.R.Manimaran,
Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 319 of 2024 on the file of the respondent police.



CRL OP(MD). No.18838 of 2024

ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 109, 120(b), 406, 420 and 506(i) of IPC, in Crime No.319 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was cheated by the accused persons by misleading her that she will get double the amount than what is paid by her. Thereby, the defacto complainant had parted with the sum of Rs.19,80,000/-. Thereafter, the accused persons did not repay back the amount. Hence, the case.

3. When the matter came up for hearing on 15.11.2024, this Court passed the following order:-

“The learned counsel for the petitioner submitted that they had borrowed money from the defacto complainant and the same was repaid back. Since the defacto complainant was insisting for payment of exorbitant interest, the 1st and 2nd petitioners have filed a petition before the Principal Sub Court, Madurai under Section 5 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 and that was also allowed by order, dated 19.10.2024. In spite of the same a false case has been foisted against them.

2. The learned Government Advocate (Crl.Side) on oral instructions submitted



CRL OP(MD). No.18838 of 2024

that apart from the defacto complainant, there are four other victims and a total of Rs.19,80,000/- has been cheated by the accused persons.

3. The learned counsel for the petitioner submitted that a false case has been foisted by the defacto complainant.

4. It is also brought to the notice of this Court that the second petitioner recently died and the case now survives only as against A1 and A3.

5. The learned Government Advocate (Crl.Side) shall take specific instructions as to whether there are any other victims apart from the defacto complainant and report before this Court.

6. Post the matter on 22.11.2024."

4. When the matter was listed for hearing today, the learned Government Advocate (Criminal Side), on instructions, submitted that there are no other victims in this case and that even earlier, the Assistant Commissioner had conducted an enquiry in this case and closed the complaint.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the case involved a money transaction between the parties, this Court is inclined to grant anticipatory bail to the 1st and 3rd petitioners (A1 & A3) with certain conditions.

6. Accordingly, the 1st and 3rd petitioners (A1 & A3) are ordered to be released on



CRL OP(MD). No.18838 of 2024

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bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st and 3rd petitioners (A1 & A3) 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] the 1st and 3rd petitioners (A1 & A3) shall appear before the respondent Police as and when required for interrogation.

[c] the 1st and 3rd petitioners (A1 & A3) shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st and 3rd petitioners (A1 & A3) 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 petitioner in accordance with



CRL OP(MD). No.18838 of 2024

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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023. IPC.

7. In the result, this criminal original petition is allowed insofar as the 1st and 3rd petitioners (A1 & A3) are concerned and stands abated insofar as the 2nd petitioner (A2) is concerned and hence, this petition is closed insofar as the 2nd petitioner is concerned.

sd/-
22/11/2024

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/ 12 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE
NO.VI, MADURAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, MADURAI.



CRL OP(MD). No.18838 of 2024

3. THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.18838 of 2024
Date :22/11/2024

PSP/ VR /SAR /05.12.2024/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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