



CRL OP(MD). No.19008 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Chandramouli

2.Santhakumari

... Petitioners / Accused 3 & 4

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Pudukkottai District.
(Crime No.9 of 2024)

... Respondent/Complainant

For Petitioners: M/s.P.Sivachandran,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.



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PRAYER :-
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For Anticipatory Bail in Crime No.9/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 109, 417, 420, 465, 468 and 471 of IPC, in Crime No.9 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that totally 5 accused persons are involved in this case and the petitioners are arrayed as A3 and A4. A3 and A4 are the brokers and they have informed the defacto complainant as if A1 and A2 are the owners of two plots and they have also created documents to that effect. A1 and A2 have received a sum of Rs.40,00,000/- from the defacto complainant. Later it came to light that A1 and A2 are not the owners of the property and it was owned by some other person and it was also acquired by the Highways for which the original owner has received compensation. A1 and A2 have already been arrested and remanded to judicial custody.

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



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the case.

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4. The learned counsel for the petitioners submitted that the petitioners have been falsely roped in this case and that they have nothing do with the alleged offence and they have not received any amount from the defacto complainant.

5. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police submitted that all the accused persons conspired and cheated the defacto complainant by showing the property which does not belong to A1 and A2. That apart, by misusing non-traceable certificate, they have created documents and A1 and A2 have received a sum of Rs.40,00,000/- from the defacto complainant. It was also submitted that there are 7 previous cases against the first petitioner (A3). The investigation is still pending in this case.

6. The learned counsel for the intervenor submitted that the petitioners were actively involved in this case. They are the ones who had introduced the defacto complainant to A1 and A2 and believing their words, a sum of Rs.40,00,000/- was paid to A1 and A2. The learned counsel submitted that the concerted act on the part of the accused persons involves moral turpitude and therefore, the petitioners should



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not be granted anticipatory bail.

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7. It is brought to the notice of this Court that already the petitioners have filed Crl.O.P.(MD). No. 17804 of 2024 seeking anticipatory bail and the said petition was dismissed by an order dated 23.10.2024.

8. Taking into consideration the facts and circumstances and the submissions made on either side and also considering the fact that investigation is pending, this Court is not inclined to grant anticipatory bail to the first petitioner (A3). There are no previous cases against the second petitioner (A4) and A4 is said to be the wife of A3. That apart, the entire case is borne out by records. Therefore, this Court is inclined to grant anticipatory bail to the second petitioner (A4).

9. Accordingly, the 2nd petitioner (A4) is ordered to be released on anticipatory bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Pudukkottai, on condition that the petitioners 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



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the satisfaction of the said Magistrate, on further condition that:

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[a] the 2nd petitioner 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 2nd petitioner shall report before the respondent police every Friday at 10.30 a.m. for a period of 6 weeks and thereafter, as and when required for interrogation;

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd petitioner 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 2nd petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. In the result, this Criminal Original Petition is allowed in part by dismissing the petition in so far as the first petitioner (A3) concerned and allowing the petition in so far as the second petitioner (4) concerned.

sd/-
04/11/2024

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

pal

TO

1. THE JUDICIAL MAGISTRATE COURT NO.II,
PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,PUDUKKOTTAI DISTRICT.

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



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

+1 CC to M/s.P.SIVACHANDRAN, Advocate (SR-13575[I] dated 04/11/2024)

ORDER
IN
CRL OP(MD) No.19008 of 2024
Date :04/11/2024

RK/VR (21/11/2024) 7P / 6C

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