



CRL OP(MD) No.21083 of 2023

WEB COPY

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21083 of 2023

DHARANI

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE  
TOWN SOUTH POLICE STATION  
DINDIGUL DISTRICT.  
CRIME NO.150/2023.

... RESPONDENT / COMPLAINANT

P.MURUGAN

... PETITIONER/PROPOSED 2<sup>nd</sup> RESPONDENT/  
DEFACTO COMPLAINANT  
in CRL MP(MD)No.16804 of 2023

For Petitioner : Mr.C.EZHILARASU Advocate

For Respondent : Mr.RMS.SETHURAMAN, Additional Public Prosecutor

For Intervener : M/s.S.BHUVANESWARI, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.150/2023 ON THE FILE OF THE  
RESPONDENT POLICE.



**CRL OP(MD) No.21083 of 2023**

**ORDER :** The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 416, 417 and 420 IPC in Cr.No.150 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A2. It is alleged that she is the sister of A1. She along with A1 said to have collected Rs.10 lakhs from the de-facto complainant under the guise of obtaining a job for the de-facto complainant and returned only a sum of Rs.1,50,000/- and has not repaid the remaining amount and thereby cheated the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is the sister of A-1 and that the transaction is between A1 and the de-facto complainant and A-1 was already arrested and remanded to judicial custody. The petitioner, being a lady, is not aware about the transaction. However, on instructions, the learned counsel for the petitioner would submit that without prejudice to her rights and contention, the petitioner is willing to pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the de-facto complainant by way of demand draft and the same may be disbursed to the de-facto complainant and if the



**CRL OP(MD) No.21083 of 2023**

WEB COPY

petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Accordingly, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) submitted that since the defacto complainant was cheated for huge sum of money by the petitioner and hence, a case has been registered.

5. Considering the facts and circumstances of the case and considering the fact that the considering the submission now made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, No.III, Dindigul**, on condition that the petitioner 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 the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



**CRL OP(MD) No.21083 of 2023**

WEB COPY

(b) the petitioner shall pay a sum of **Rs.1,00,000/- (Rupees one lakh only)** by way of demand draft to the de-facto complainant without prejudice to her defence within six weeks from the date of receipt of a copy of the order and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such payment being made and proof filed by the petitioner; the trial court shall disburse the said amount to the de-facto complainant under proper acknowledgment and affidavit and if the petitioner succeeds in the criminal case, she is entitled for refund of the said amount;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;**

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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 law as if the conditions have been imposed and the petitioner released on bail by the



CRL OP(MD) No.21083 of 2023

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

WEB COPY

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

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

sd/-  
03/01/2024

/ TRUE COPY /

/01/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

RR

TO

- 1 THE JUDICIAL MAGISTRATE NO.III  
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE  
TOWN SOUTH POLICE STATION  
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.C.EZHILARASU, Advocate ( SR-227[I] dated 05/01/2024 )



WEB COPY



**CRL OP(MD) No.21083 of 2023**

ORDER  
IN  
CRL OP(MD) No.21083 of 2023  
Date :03/01/2024

SS/JGB/SAR- /12/01/2024/6P/6C

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