



CRL OP(MD) No.23063 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23063 of 2023

1 MARIAPPAN

2 SELVI

... PETITIONER/ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
CRIME NO.533 OF 2023.

... RESPONDENT/COMPLAINANT

THANGADURAICHI

... INTERVENER/DEFACTO COMPLAINANT
IN CRL.MP(MD).18269/2023 IN CRL.OP(MD).23063/2023

For Petitioner : M/S.RATHNAVEL PANDIAN C Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

For Intervenor : Mr.P.KARTHICKRAJA, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.533 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(i) of IPC in Crime No.533 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's brother and the second



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petitioner's husband namely, Murugan, who is the Collecting Agent in 'Disc Agro Tech Limited', collected a sum of Rs.1,000/- per month from the defacto complainant from the period of 2013 to 2017. When the defacto complainant demanding the amount from the said Murugan, he instructed the defacto complainant to come to his house for collecting money. On his instructions, when the defacto complainant went to his house along with his daughter, there was wordy quarrel between the petitioners and the defacto complainant. Thereby, the petitioners said to have abused them in filthy language and assaulted the daughter of the defacto complainant with their hands. Hence, a complaint has been lodged before the Law Enforcing Authority and the Law Enforcing Authority registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioner's brother and the second petitioner's husband namely, Murugan are employed as 'Collecting Agent' of 'Disc Agro Tech Limited', for purchasing the plot. However, the said Company has not paid the amount. Thereby, this Court has appointed a retired Judge as a Commissioner to settle the amount to the Investors. Now, the issue is pending before the Securities and Exchange Board of India (SEBI) and the Hon'ble Supreme Court of India. Further, the petitioners are ready and willing to deposit a



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sum of Rs.50,000/- to the credit of Crime Number. Thereafter, the said amount may disburse to the defacto complainant without prejudice to their rights and prayed for granting anticipatory bail.

4. The learned counsel for the Intervenor submitted that one Murugan, who is the brother and husband of the petitioners collected the amount every month from the defacto complainant and issued a false receipt. Since, she is illiterate, she had no knowledge about the same. Thereafter, she came to know that the said Murugan fraudulently collected the amount in the name and style of 'DISC Asset Promoter India Limited; and 'Aiyan Marketing Private Limited' from the 90 general poor public and issued a bogus receipts and also cheated nearly, Rs.93 lakhs. The said Murugan is collecting the amount from the poor general public till date also. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that in this case is concerned, the injured was discharged from the hospital and no previous case is pending against the petitioners. Further, the petitioners are come forward to deposit a sum of Rs.50,000/-, this Court may consider the anticipatory bail application of the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged form the hospital, no antecedent is reported



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against the petitioner and the petitioner is come forward to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) without prejudice to their rights and contentions to show their bona fide, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, 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 the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the Credit of Crime No.533 of 2023 before the said Court, before executing bond. Upon receipt of such deposit, the learned Judicial Magistrate, Tenkasi, shall disburse a sum of Rs.50,000/- directly to the defacto complainant.

(b) if the petitioners 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;

(c) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the first petitioner shall report before the respondent police as and when required for interrogation;

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

(f) the petitioners 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 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;

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

sd/-
05/01/2024

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



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DSS

TO

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1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.J.C.RATHNAVEL PANDIAN, Advocate (SR-330[I] dated
08/01/2024)

ORDER IN
CRL OP(MD) No.23063 of 2023
Date :05/01/2024

SA/VR/SAR. /11.01.2024/6P/6C

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