



CRL OP(MD) No.23274 of 2023

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23274 of 2023

1 RAVI @ RAVICHANDRAN

2 THILAGAVATHY

... PETITIONERS/
ACCUSED NOS.1&2

Vs

THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 885 OF 2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S SATHYA CHIDAMBARAM.S Advocate

For Respondent :MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:FOR ANTICIPATORY BAIL IN CRIME NO. 885 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 punishable under Sections 294(b), 323, 420 and 406 IPC



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in Crime No.885 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners are neighbours of the defacto complainant and they informed her that if she deposited Rs.60,000/- in Farm India Company Ltd., it will be matured Rs.1,20,000/- in the year end. Believing the same, the defacto complainant deposited a sum of Rs.60,000/-, but till now, the amount was not returned. Hence, the complaint came to be preferred by the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, without prejudice to their rights, the petitioners are ready to deposit a sum of Rs.10,000/- to the credit of crime number and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioners succeeding in the present case, the amount will be refunded to them. Hence, he prayed to grant anticipatory bail to the petitioners.

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

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Police would submit that investigation in this case is not yet completed.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioners has come forward to deposit a sum of Rs.10,000/- to the credit of crime number, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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, Orathanadu, Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 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;



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(b)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;

(c)The petitioners are directed to deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) to the credit of Crime No.885 of 2023 before the learned Judicial Magistrate, Orathanadu, Thanjavur District and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioners succeeding in the present case, the amount will be refunded to them.

(d)the petitioners shall report before the respondent police as and when required;

(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



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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/-
09/01/2024

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

GNS

TO

1.THE JUDICIAL MAGISTRATE, ORATHANADU, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT

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

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WEB COPY +1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-566[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.23274 of 2023
Date :09/01/2024

RK/JGB (19/01/2024) 6P / 6C

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