



CRL OP(MD). No.23108 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.23108 of 2024

1. Robinson

2. Bensalamon

... Petitioners/ A1 & A2

Vs

State of Tamilnadu Rep.By,
The Inspector of Police,
DCB Police Station,
Kanyakumari District
(In Crime No.12/2024).

... Respondent/Complainant

For Petitioners : Mr.K.Suyambulingabharathi,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS.

PRAYER :- For Anticipatory Bail in Crime No.12 of 2024 on the file of the respondent police



CRL OP(MD). No.23108 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 294(b), 420 and 506(2) of IPC., in Crime No.12 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.10.2022, the petitioners induced the defacto complainant to invest money into a quarry business and believing the words of the petitioners, the defacto complainant has sent a sum of Rs.20 lakhs through their bank account. After starting business, the defacto complainant has received only Rs.2 lakhs and thereafter, he has not received any profit or principal. When the defacto complainant requested the petitioner for return of amount, the petitioners threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners induced the defacto complainant to invest money into a quarry business and believing the words of the petitioners, the defacto complainant has sent a sum of Rs.20 lakhs through their bank account. After starting business, the defacto



CRL OP(MD). No.23108 of 2024

WEB COPY

complainant has received only Rs.2 lakhs and thereafter, he has not received any profit or principal. When the defacto complainant requested the petitioner for return of amount, the petitioners threatened the defacto complainant with dire consequences. the investigation in under process. Hence, opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offence, there existed dispute between the parties with regard to the partnership firm and there is a money dispute and also the fact that no previous case is pending against the petitioners and even according to the prosecution, the occurrence took place in the year 2022, but complaint was lodged in the year 2024, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate No.I, Nagercoil and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.00 A.M. until further orders.

[c] the petitioners shall not commit any offences of similar nature.



CRL OP(MD). No.23108 of 2024

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/01/2025

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

DAS

TO

1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.



CRL OP(MD). No.23108 of 2024

3 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
KANYAKUMARI DISTRICT

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

ORDER
IN
CRL OP(MD) No.23108 of 2024
Date :27/12/2024

SS/SKN/SAR- /03/01/2025/ 5P/5C

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