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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.64 of 2025

Muthulakshmi

... Petitioner / Accused No.2

Vs

1. The State of Tamil Nadu

Represented by the Inspector of Police,  
District Crime Branch,  
Madurai District.  
(Crime No.17 of 2024)

... Respondent/Complainant

2. Jeyagurunathan

... Petitioner/Intervener/  
Defacto Complainant  
in Crl.M.P(MD).No.878/2025

For Petitioner : Mr.M.Subash Babu,  
Senior Counsel,  
for M/s.Subash Law Office

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

For Intervenor : Mr.MA.Karunanithi,  
Advocate

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



WJ PRAYER:-

For Anticipatory Bail in Crime No. 17 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 465, 468 and 471 of IPC, in Crime No.17 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons totally collected nearly 40 lakhs with the promise that they will get Government job to four victims who had parted with the money. A sum of Rs.8 lakhs was paid by way of bank transfer to the account of A1 and the balance amount was paid by way of cash. There are totally two accused persons in this case and the petitioner has been arrayed as A2 and she is the wife of A1. A1 has been arrested in this case.

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



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4. The main ground that was urged by the learned senior counsel appearing on behalf of the petitioner is that the petitioner only happens to be the wife of A1 and the allegation is that she was also present at the time of handing over the money to A1. The learned senior counsel further submitted that the defacto complainant along with others trespassed into the house and detained the petitioner and her minor daughter in a separate room and kidnapped A1. Thereafter, they took away more than 10 lakhs by way of cash and 5 sovereigns of gold and also a SWIFT car. With respect to this incident, an FIR also came to be registered in Crime No.1185 of 2024 by Thiruppallai Police Station, Madurai and the investigation is pending.

5. The learned Government Advocate (Criminal Side) submitted that in the instant case 4 persons have been cheated and a total sum of Rs.40 lakhs was taken away from them. The learned Government Advocate submitted that apart from receiving the money, forged appointment orders were also created and the victims were made to believe that they have secured Government jobs. The learned Government Advocate further submitted that A1 has voluntarily confessed that he has received the money and that he will repay back the money to the victim. In view of the same, the learned Government Advocate vehemently opposed the grant of anticipatory bail to the petitioner.



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6. The learned counsel for the defacto complainant submitted that the victims were cheated by the husband and wife and both of them have connived and taken away a sum of Rs.40 lakhs. The learned counsel further submitted that the custodial interrogation of the petitioner is very much essential since the money has to be recovered in this case. Accordingly, he also vehemently opposed the grant of anticipatory bail to the petitioner.

7. In the considered view of this Court, it is seen that a sum of Rs.8 lakhs was initially paid by way of bank transaction by sending the amount to the account of A1. Rest of the amount is said to have been paid by way of cash. The specific allegation against the petitioner is that she was also present along with A1 when the money was given and the petitioner was fully aware about the fact that forged appointment orders were issued to the victims.

8. Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner happens to be the wife of A1 and the specific case is that the entire amount was paid to A1 and the petitioner was aware of the same and taking note of the subsequent incident that had taken place in this case



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which resulted in the registration of an FIR in Crime No.1185 of 2024 and considering the fact that no custodial interrogation may be required insofar as the petitioner is concerned, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Madurai, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 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 petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m. until further orders.



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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-  
23/01/2025

/ TRUE COPY /

/02/2025  
Sub-Assistant Registrar  
(C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai -625 023



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TO

- 1 THE JUDICIAL MAGISTRATE NO.I,  
MADURAI.
  - 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
  - 3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
MADURAI.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M/S.SUBASH LAW OFFICE, Advocate ( SR-827[I] dated 24/01/2025 )

ORDER  
IN  
CRL OP(MD) No.64 of 2025  
Date :23/01/2025

ES/SKN/SAR /07.02.2025/ 7P/6C

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