



CRL OP(MD). No.5338 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.5338 of 2026

1. Malarvizhi
2. Gunasundari

... Petitioners/
Accused rank not known

Versus

The State of Tamil Nadu,
Represented by the Inspector of Police,
District Crime Branch,
Tiruchirappalli District.
Crime No.Not Known of 2026

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 438 Cr.P.C, to
enlarge the petitioners on bail in the event of their arrest or surrender in
Crime No.Not known of 2026 on the file of the respondent police.

For Petitioners : Mr.Augustine Ebenezer T

For Respondent : Mr.P.Kottai Chamy,
Government Advocate
(Criminal Side)



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ORDER : The Court makes the following order :-

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The petitioners/Accused, who apprehend arrest at the hands of the respondent police in Crime No. Not known of 2026 for the offences punishable under Sections 294(b), 506(ii), 406 and 420 of IPC, seek anticipatory bail.

2. The defacto complainant is the paternal aunt of the first petitioner. The case of the prosecution is that the petitioners are said to have received a sum of Rs.1.5 lakhs and 65 sovereigns of gold from the defacto complainant and failed to return the same. Hence the complaint was preferred before the respondent police and the same was closed. Further a direction petition was filed under Section 156(3) of Cr.P.C., on the file of the learned Judicial Magistrate No.1, Trichy and the same was ordered by issuing a direction to the respondent police to register a case and pursuant to the said direction the case in Crime No.13 of 2026 has been registered for the offence under Sections 406, 420, 294(b) and 506 (2) of IPC.



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3. The learned counsel appearing for the petitioners submitted that earlier, an enquiry was conducted and the same was closed and thereafter, in the petition filed under Section 156(3) of Cr.P.C direction was obtained without any truth in the allegation and subsequently FIR was registered. He further submitted that the petitioners have never received any amount as alleged in the FIR. Hence, he sought to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent, on instructions would submit that earlier complaint was closed on the basis of the undertaking given by the petitioners to return the amount. Thereafter, there was failure on the part of the petitioners. Hence, the defacto complainant was filed a petition in Cr.M.P.No.22349 of 2024 under Section 156(3) and the same was forwarded to the jurisdictional police and the same was registered in Crime No.13 of 2026.

5. This Court considered the rival submissions and perused the records.



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6. From the files produced before this Court, this Court finds that the earlier complaint was made before the respondent police wherein the petitioners alleged to have given an undertaking to settle the amount to the defacto complainant. Subsequently, the petitioners failed to return the amount and hence, the defacto complainant has filed a petition under Section 156(3) of Cr.P.C before the learned Judicial Magistrate No.1, Trichy. The same was considered. The learned Judicial Magistrate has directed to the respondent police to register the case.

7. In view of the above circumstances, the custodial interrogation is very much necessary and hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

18.03.2026

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To
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1. The Judicial Magistrate No.1,
Trichy.
2. The Inspector of Police,
District Crime Branch,
Tiruchirappalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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