



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

Wednesday, the Thirtieth day of March Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
CRL OP(MD) No.3801 of 2016

M. SUBBAMMAL

... PETITIONER/ACCUSED NO.1
Vs

STATE REP BY THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY.
(CRIME NO. 15 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.SELVA Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 420, 468, 471(A), 120 I.P.C., in Crime No.15 of 2015, on the file of the respondent Police, seeks anticipatory bail.

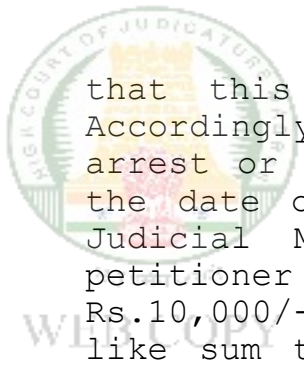
2. Heard Mr.V.Selva, learned counsel appearing for the petitioner / first accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. This is the second application for anticipatory bail and the first anticipatory bail application, in Crl.O.P.(MD) No.19191 of 2015, was dismissed by this Court, vide Order dated 27.01.2016.

4. The learned counsel for the petitioner / first accused submitted that at the time when the earlier anticipatory bail application was argued, certain important aspects were not brought to the notice of this Court.

5. It is seen that the case, in Crime No.15 of 2015, has been registered pursuant to the directions issued by the learned Judicial Magistrate No.I, Tirunelveli, under Section 156 (3) Cr.P.C. On reading of the F.I.R., it is seen that the petitioner / first accused is running a Charitable Trust in the name of Idhayam Trust and she is doing certain charitable works. During 2009, the accused 3 and 4 had introduced the petitioner / first accused to the *de facto* complainant and appointed her as a person in-charge of a self-help group. The *de facto* complainant had paid money to the accused, but the same was not deposited in the Bank. Further, it is seen that the entire transaction taken place between 2009 and 2013.

6. Taking into consideration the nature of allegations made against the petitioner / first accused, this Court is of the view



that this is a fit case to grant anticipatory bail to her. Accordingly, she 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner / first accused 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner / first accused shall report before the respondent Police daily morning at 10.30 a.m., until further orders.
- (ii) the petitioner / first accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / first accused shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner / first accused in accordance with law as if the conditions have been imposed and the petitioner / first accused 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
30/03/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TIRUNELVELI CITY.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S V.SELVA Advocate SR.No.18226

ORDER IN
CRL OP(MD) No.3801 of 2016
Date : 30/03/2016