



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

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12031 of 2017

SANTHAYEE YOVANNAL

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 392/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.J.KARTHICK Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

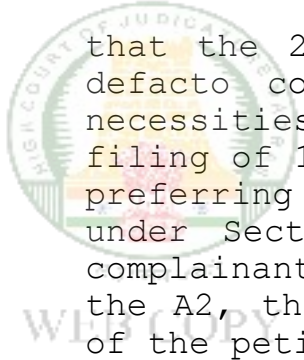
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC., in Crime No.392 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that on 25.09.2013, the defacto complainant had given a sum of Rs.5,00,000/- to the petitioner herein, as per the direction given by A2, for the purpose of getting Government Job for the defacto complainant's brother. A sale deed, which is in the name of A2, is also given to the defacto complainant, by the accused persons, as a security, for the borrowed money. But, the accused in this case have not arranged the job, as promised and also has not repaid the amount and cheated the defacto complainant. The case has been registered as per the direction issued by the concerned Magistrate in petition filed under Section 156(3) of Cr.P.C.,

3. The learned counsel appearing for the petitioner states that the petitioner is working as a Noon Meal Organizer in Government Primary School, Andarkulam. There exist a money dispute with regard to the defacto complainant and the petitioner's husband / A2 and with regard to the same, the defacto complainant had already filed
SIC.No.795 of 2014, on the file of the Judicial Magistrate Court, Eraniel and is pending, wherein the defacto complainant had averred



that the 2nd accused had borrowed a sum of Rs.5,00,000/- from the defacto complainant in order to meet out his family needs and necessities and business purpose. The alleged averments and the filing of 138 case has been suppressed by the defacto complainant in preferring the complaint as well as in Cr.M.P.No.7593 of 2016 filed under Section 156(3) of Cr.P.C. Furthermore, since the defacto complainant had failed in all his attempts to recover the money from the A2, the complainant had invented a story about the involvement of the petitioner and roped her into the criminal case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 2 accused in this case and the petitioner herein is arrayed as A1. He also submitted that A2 & A1 are husband and wife respectively. A2 is still absconding and the investigation is pending.

5. As per the FIR, the occurrence took place on 25.09.2013, but the FIR was registered only on 06.08.2017. As per the contention of the petitioner in this case. 138 proceedings were initiated against A2 in this case, on the basis of the cheque issued in the borrowed amount of Rs.5,00,000/- on the same day and the cheques were also issued on different date and the said case was also filed in the year 2014 and is pending before the learned Principal District Munsif-cum-Judicial Magistrate, Eraniel. Considering the above facts and circumstances of the case, this Court is inclined grant anticipatory bail to the petitioner, with certain conditions.

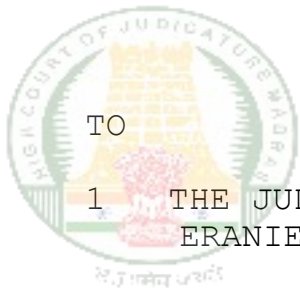
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Eraniel, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/09/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT

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

+1. CC to Mr.R.J.KARTHICK Advocate SR.No.31103

JAM/22.09.17/CM-MSA/SAR 4/ 3P-6C

ORDER

IN

CRL OP (MD) No.12031 of 2017

Date :20/09/2017