



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

Monday, the Ninth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.12872 of 2017

LATHA

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO.16 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIAN, Advocate for
M/S.M.KAMATCHI, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)
For Intervenor : M/S.R.SHANKAR GANESH, Advocate

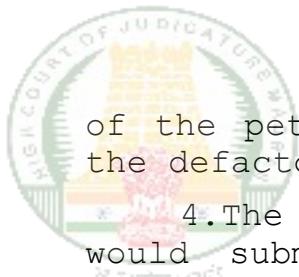
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 120(B), 406, 420, 294(b), 506(i) IPC., in Crime No.16 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a temporary clerk in the Canara Bank at Theni. The petitioner herein came to be known to him as customer in the said Bank. Based on the relationship, the petitioner approached the defacto complainant by stating that she is running a women self help group, namely, Rural Development Association and receiving more funds from the foreign countries. Accordingly, the petitioner developed friendship with the defacto complainant and on believing the words of the petitioner, the defacto complainant had given a sum of Rs.20,00,000/- (Rupees twenty lakhs only) to the petitioner for starting a new trust. On contrary, the petitioner misappropriated Rs.20,00,000/- with intention to cheat the defacto complainant and threatened him not to demand the said money. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel for the petitioner would submit that the defacto complainant had illegal intimacy with the petitioner and he assumed to get marry her and thereby he breached his assurance while being so, the defacto complainant had swindle the amount and jewels



of the petitioner worth to the tune of Rs.15,00,000/- and thereby the defacto complainant cheated petitioner.

4.The learned counsel appearing for the intervene petitioner, would submit that the intervene petitioner is working as a temporary employee in Canara Bank and on the assurance of the petitioner/A1, he deposited a sum of Rs.20,00,000/-(Rupees twenty lakhs only) for starting a new trust. He further submitted that the petitioner misappropriated Rs.20,00,000/- with intention to cheat the Intervene Petitioner and threatened him not to demand the said money.

5.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that investigation is pending in this case.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (rupees twenty five 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:

[a]the petitioner shall report before the respondent Police as and when required for interrogation.

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

[c]the petitioner shall not abscond either during investigation or trial.

(d) the petitioner shall not commit any offence while on bail;

(iv) 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).

sd/-
09/10/2017

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1. CC to M/S.M.KAMATCHI Advocate SR.No.32355

ORDER

IN

CRL OP(MD) No.12872 of 2017

Date :09/10/2017

MS/CM-MSA/SAR.4/12.10.2017/3P.6C