



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

Wednesday, the Eighteenth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.24130 of 2016

MUTHU LAKSHMI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
(CRIME NO. 14 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

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

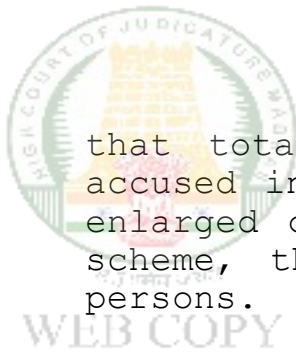
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 406 and 420 IPC in Crime No.14 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that for constructing house under a scheme namely, Rajiv Gandhi Rehabilitation Project, the accused persons collected money for more than Rs.60 lakhs from various persons.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner, who also gave Rs.40,000/- to A1, is one of the affected person and she preferred a complaint and has set law in motion in registered the case at the first instance. He also submitted that A1 filed two petitions for granting anticipatory bail and the same were dismissed and thereafter, a petition in Crl.O.P.(MD)No.12992 of 2016 an interim bail was granted to A1 and after obtaining interim anticipatory bail, A1 gave a
<https://hcrs.cemetro.in/hcrs/ices> hereby the petitioner is arrayed as accused in this case stating that the petitioner received commission for collecting the amount from the affected persons.



4.The learned Government Advocate (Crl.side) submitted that totally there are 4 named and 5 others are arrayed as accused in this case. A3 was reported dead and co-accused were enlarged on bail. He also submitted that as there is no such scheme, the accused persons collected a huge sum from various persons. He further submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that coaccused were enlarged on bail and the petitioner has set law in motion at the first instance and also after obtaining anticipatory bail, A1 gave a statement before the respondent Police by impleading the petitioner as accused, 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 his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Thoothukudi District, 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:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[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]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/-
18/01/2017

/ TRUE COPY /



NBJ
TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT

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

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

+1. CC to M/S.R.ANAND Advocate SR.No.3239

GJM/PM/AM-1-SAR-2-27.1.17-3P-6C

ORDER

IN

CRL OP(MD) No.24130 of 2016

Date :18/01/2017