



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

Monday, the Nineteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4247 of 2018

PONMANI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
ARALVOIMOZHI POLICE STATION,  
KANYAKUMARI DISTRICT  
(CRIME NO.49 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.SASI KUMAR Advocate

For Respondent : Mr.A.ROBINSON, 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 417 & 420 IPC in Crime No.49 of 2018, seeks anticipatory bail.

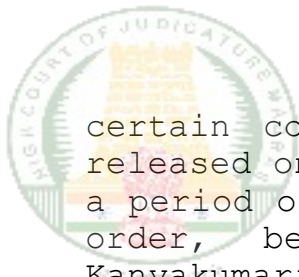
2.The case of the prosecution is that

3.The learned counsel appearing 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 has not committed any offence as alleged by the prosecution and she is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, A1 in this case and the petitioner herein after making false promise of marriage with petitioner's wife, received a sum of Rs.1,50,000/-. On thorough reading of the FIR, the promise made by the petitioner is unbelievable. Therefore, custodial interrogation may not be necessary for completing the investigation.

6.Taking into consideration the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with



certain conditions. Accordingly, the petitioner 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, Boothapandi, Kanyakumari District, 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 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 shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-

19/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE,  
BOOTHAPANDI, KANYAKUMARI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,  
ARALVOIMOZHI POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.V.SASI KUMAR Advocate SR.No.4348

GNS

JAM/03/04/2018/ RR / SAR 4/ 2P-6C