



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2784 of 2019

M. MARIYA SELVAM,

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DCB, THENI DISTRICT.
(CRIME NO. NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.N. SUBRAMANI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

For Intervenor : MR.R.ALAGUMANI, 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 alleged offence under Sections 406, 420 and 506(i) I.P.C. in Crime No.5 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner induced the de facto complainant and others for securing job in foreign country and got huge amount. Thereafter, he neither secure the job nor repay the amount. Due to which, one of the victim's father committed suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person. However, on instructions, he would submit that the petitioner is ready and willing to deposit a sum of Rs.6,94,400/- in favour of Arivalagan and a sum of Rs.5,46,500/- in favour of Balamurugan to the credit of Crime No.05 of 2019, without prejudice to her defence.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner has come forward to deposit the entire amount in favour of the victims, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)The petitioner shall deposit a sum of Rs.6,94,400/- in favour of Arivalagan and a sum of Rs.5,46,500/- in favour of Balamurugan to the credit of Crime No.05 of 2019 before the learned Judicial Magistrate, Theni within a period of four weeks from the date of receipt of a copy of this order and the learned Magistrate shall disburse the deposited amount in favour of above said victims, without filing any proper application.

(c)the petitioner shall report before the respondent police as and when required;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THENI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DCB, THENI DISTRICT.

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

+1. CC to MR.M.KARUNANITHI, Advocate SR.No.3776
+1cc to MR.R.ALAGUMANI, Advocate in SR.No. 50302

ORDER
IN
CRL OP(MD) No.2784 of 2019
Date :25/02/2019

AE/PN/SAR-II/11.03.2019/3P/7C