



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

Friday, the First day of March Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP (MD) No.3100 of 2019

SAHILABANU

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
LALAPET POLICE STATION,  
KARUR DISTRICT.  
CRIME NO.39 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.R.LAXMAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on 30.01.2019 for the offences under Sections 294(b), 406, 420 and 506(i) of IPC ,in Cr.No.39 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner and her husband induced the defacto complainant to pledge their jewels in the bank and buy pockline machine for which the defacto complainant agreed to borrow the loan by executing the documents prepared by the petitioner and her husband. The defacto complainant was paid up to Rs.1,50,000/- and again Rs.60,000/- and thereafter the dues were not paid by the petitioner, thereby the defacto complainant filed the complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is innocent. The petitioner is the wife of the first accused and she is not aware of the transactions between her husband and the defacto complainant. However without prejudice to her rights and contentions, she is willing to deposit Rs.2,00, 000/- in the credit of the borrower bank and hence prayed for bail to the



4.The learned Government Advocate(Crl.Side) for the State would submit that totally there are five accused in this case and the petitioner herein is A2. He would further submit that investigation is pending. He would further submit that if the petitioner is willing to deposit the said amount bail may be considered.

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5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the petitioner is willing to deposit Rs.2,00, 000/- without prejudice to her rights and contentions in the credit of the borrower bank , I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I,Kulithalai and on further condition that:

(a) the petitioner shall deposit a sum of Rs. 2,00,000/- [Rupees Two lakhs only] to the borrower bank (SREI Finance)and file proof of payment at the time of furnishing the sureties and only thereafter, the sureties can be accepted and in the event of succeeding, the petitioner may work out his remedy in the manner known to law;

(b)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;

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

(d)the petitioner shall not tamper with evidence or witness 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/-

01/03/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservices.ecourts.gov.in/hcservices/>  
KARUR DISTRICT.



3. THE OFFICER INCHARGE, WOMEN PRISON,  
TRICHY.

4. THE INSPECTOR OF POLICE,  
LALAPET POLICE STATION, KARUR DISTRICT.

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

+1. CC to Mr.B.SARAVANAN, Advocate SR.No.4116

ORDER

IN

CRL OP(MD) No.3100 of 2019

Date :01/03/2019

**MS/VR/SAR-2/01.03.2019/3P.7C**