



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

Friday, the Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3136 of 2019

M.MARIYA SELVAM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT
(CRIME NO.135/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.N.SUBRAMANI Advocate

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

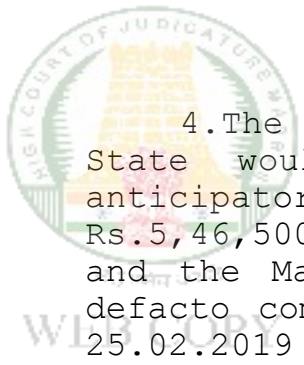
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 309 @ 306 of IPC, in Cr.No.135 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 defacto complainant for securing job, thereby he secured the amount of Rs.4,00,000/-. Thereafter, he neither secure the job nor repay the amount. Due to which the defacto complainant's father committed suicide in the Collector Office. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. Already a case was registered on the complaint given by the defacto complaint against the petitioner under sections 406, 420 and 506(i) I.P.C. in Crime No.5 of 2019 on the file of the Inspector of Police, DCB, Theni, wherein the petitioner was granted anticipatory bail by this Court by order dated 25.02.2019 in Crl.O.P(MD).No.2784 of 2019 on condition to deposit a sum of Rs.5,46,500/-. Accordingly, he prayed for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner was already granted anticipatory bail by this Court on condition to deposit a sum of Rs.5,46,500/- with respect to the defacto complainant Balamurugan and the Magistrate is also directed to disburse the same to the defacto complainant without any formal application, by order dated 25.02.2019 in Crl.O.P(MD).No.2784 of 2019 .

5.Considering the facts and circumstances of this case and since the petitioner was already granted anticipatory bail by this Court on condition to deposit sum of Rs.5,46,500/- with respect to the defacto complainant Balamurugan, 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, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(e)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 petitioners 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;

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

sd/-
08/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
THENI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI

3 THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT

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

ORDER
IN
CRL OP(MD) No.3136 of 2019
Date :08/03/2019

MSI/PN/SAR 1/13.03.2019/3P-5C