



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

Monday, the Eleventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3627 of 2019

MARIAMMAL

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BODINAYAKANUR TOWN POLICE STATION,
THENI DISTRICT.
CRIME NO. NOT KNOWN OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.RADHAKRISHNAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

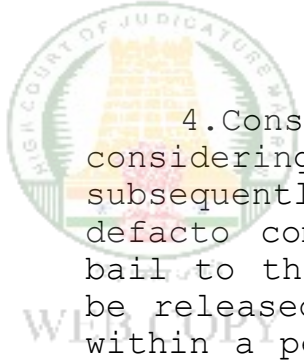
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420,406,294 (b), 506(i) of IPC in Cr.No.238 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in the year 2011, the petitioner received a sum of Rs.2,50,000/- from the defacto complainant for the purpose of securing Noon Meal Organizer Post. However, the said amount was not repaid. In the year 2012, the petitioner executed promissory note in favour of the defacto complainant and the same was revalued in the year 2017 and thereafter the said amount was not paid. Hence the defacto complainant has filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would also submit that it is purely a money transactions in which the petitioner was implicated in the false case after six years.

3.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.



4. Considering the facts and circumstances of the case and also considering the fact that the transactions was in the year 2012 and subsequently the petitioner executed pronote in favour of the defacto complainant, 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, Bodi 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 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 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;

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

sd/-

11/03/2019

/ TRUE COPY /

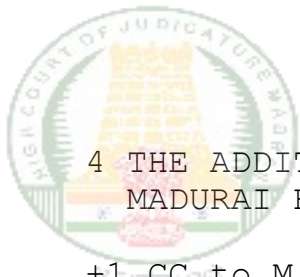
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
BODI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
BODINAYAKANUR TOWN POLICE STATION,
THENI DISTRICT.



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

+1 CC to M/s.G.RADHAKRISHNAN, Advocate SR-4622

WEB COPY

ORDER

IN

CRL OP(MD) No.3627 of 2019

Date :11/03/2019

JM/JC/SAR 1/18.03.2019/3P/6C