



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.483 of 2019

MAHALAKSHMI,

... PETITIONER / ACCUSED No.6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.5/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.BALAMURUGAPANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
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 alleged offences punishable under Sections 120(B), 465, 468, 469 and 420 IPC, in Crime No.05 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband, namely, Anbalagan and her husband's friend, namely, Padmanaban have approached the defacto complainant for arranging railway college to the defacto complainant for which the defacto complainant has to pay a sum of Rs.50,00,000/-. Believing the same, the defacto complainant paid a sum of Rs.53,00,000/- to the accused persons on various dates, but the accused persons have not come forward to get permission from the Government for running a college. Thereafter, the defacto complainant approached the accused persons and demanded that to repay the above said amount but they neither paid the amount nor to come forward to get permission to run the college.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely



implicated in this case.

4.The learned Government Advocate (Crl.Side) for the respondent police opposes to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions by learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 No.II, Virudhunagar District, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR DISTRICT.

2.DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.



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

+1. CC to MR.D.BALAMURUGAPANDI Advocate SR.No.890

ORDER

IN

CRL OP(MD) No.483 of 2019

Date :18/01/2019

AE/PN/SAR2/23.01.2019/3P/6C