



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4884 of 2019

R.KAMACHI

... PETITIONER / ACCUSED No. 2

Vs

THE STATE REP. BY ITS,
THE INSPECTOR OF POLICE,
OTHAKKADAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.114 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.RAJESH 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 406, 409, 420, 120 (b), 468 and 471 of IPC in Crime No.114 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A2. The first accused and the third accused were working in Jamai Ice Cream Company, Uthangudi, Madurai. The first accused is Regional Manager and the third accused is Refrigerator Mechanic. The first accused was created a forged bill in the name of the said company and collected a sum of Rs.13,47,171/- from 15 dealers in various district and the third accused collected a sum of Rs.10,46,500/- from 15 dealers for refrigerator insurance amount. Both amounts were not repaid to the company. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that the petitioner is the wife of the first accused and she had nothing to do with the allegations levelled against her. Hence she prayed for granting anticipatory bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the amount collected by A1 was deposited in the name of the A2. Hence, she has been imploded in this case. He would further submit that A1 and A2 were living separately due to some misunderstandings.

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5.Considering the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai 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 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 her photograph 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 her 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 petitioners 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/-
01/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
MELUR, MADURAI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR.R.RAJESH Advocate SR.No.5890

ORDER

IN

CRL OP(MD) No.4884 of 2019

Date :01/04/2019

MSI/JC/SAR 2/03.04.2019/3P-6C