



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5543 of 2019

KRISHNAKUMARI @ PRAKALYA

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY.
(CRIME NO.430/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.AJMAL KHAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public prosecutor

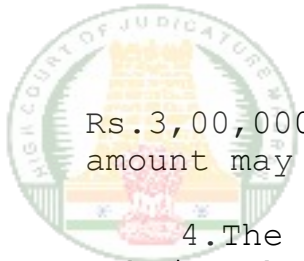
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 12.03.2019 for the offences punishable under Sections 406, 420, 506(ii) of IPC and Section 14 of Foreigners Act, in Crime No.430 of 2019, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioners have introduced themselves and informed that the second accused father was running a hospital at Cuba, for which, the petitioner and the second accused promised the defacto complainant to get job at Cuba. Believing their words, the defacto complainant has paid Rs.6,00,000/- on several occasions. Thereafter, they neither secured a job nor returned the amount. Aggrieved over the same, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel appearing for the petitioner submitted the second accused is the husband of the petitioner/first accused and he is a Cuba nationalist. A2 was already arrested and remanded to judicial custody. The learned counsel appearing for the petitioner, on instructions, submitted that A1 is ready to deposit a sum of



Rs.3,00,000/- to the credit of Crime No.439 of 2019, thereafter, the amount may be disbursed in favour of the defacto complainant.

4.The learned Additional Public Prosecutor for the State submitted that since the petitioner has come forward to deposit a sum of Rs.3,00,000/- in Crime No.430 of 2019, this Court may grant bail to the petitioner. However, the order of the bail granted to the petitioner will not applicable to the second accused, since he is a Cuba nationalist and he is residing in India is questionable.

5.Considering the facts and circumstances of the case, considering the fact that the petitioner has come forward to deposit a sum of Rs.3,00,000/- to the credit of Crime No.430 of 2019 and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. The order of the bail granted to the petitioner will not applicable to the other accused/A2, since the other accused/A2 is a Cuba nationalist. Unless A2 has proved his citizenship, he is entitled for bail.

6.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.II, Madurai and on further condition that:

(a) the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of Crime No.430 of 2019 before the concerned Court. Thereafter, the amount may be disbursed in favour of the defacto complainant

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 at 10.30 a.m. until further orders;

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

(e)the petitioner shall not abscond 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/-

16/04/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.M.AJMAL KHAN Advocate SR.No.6836

ORDER

IN

CRL OP(MD) No.5543 of 2019

Date :16/04/2019

MS/MMS/SAR-2/16.04.2019/3P.7C