



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

Date : 12/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6753 of 2019

Bhuvaneshwari, ... Petitioner/Accused No.2

Vs

The State Rep.by
The Sub Inspector of Police,,
District Crime Branch,
Dindigul District.
Cr.No.1/2019.

... Respondent/Complainant

For Petitioner : M/s.A.P.Balasubramanian
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor,

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

PRAYER :-

For Anticipatory Bail in Crime No. 1 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B) and 420 of IPC in Crime No.1 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the respondent has registered the above case against seven accused persons and already A-1 and A-4 were arrested and subsequently, they were released on bail. He further submitted that A-5 was granted anticipatory bail by this Court; A-3, A-6 and A-7 were granted anticipatory bail by the Sessions Court. Therefore, he prayed to grant of anticipatory bail to the petitioner.



3. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally, there are 7 accused involved in this case and all of them conspired and collected a huge sum of Rs.43 lakhs from various persons by giving false promise that they will arrange for a job and subsequently, they neither made arrangements for job nor returned the amount. Hence, she opposed this petition. However, she fairly conceded that all other accused were granted bail/anticipatory bail.

4. Taking into consideration of the aforesaid facts and also the fact that already, the other accused were granted bail/anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Dindigul on condition that

a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Cr.No.1 of 2019, before the learned Judicial Magistrate, No.II, Dindigul.

b) Further, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

c) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

d) the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

e) the petitioner shall not abscond either during investigation or trial.

f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

g) 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].



h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/06/2019

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/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-9532[I] dated 12/06/2019)

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-9549[I] dated 13/06/2019)

ORDER
IN
CRL OP(MD) No.6753 of 2019
Date :12/06/2019

VS

AE/PN/SAR-I (19.06.2019) 3P 7C