



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8638 of 2019

1.Muthu Pushpam
2.Vijaya Lakshmi

... Petitioners/Accused
No.1 and 5

Vs

State represented through
The Sub-Inspector of Police,
Thirukkarungudi Police Station,
Tirunelveli District.
Crime No.64/2019

... Respondent/Complainant

For Petitioner : M/s.P.R.Prithiviraj, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 64 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 I.P.C, in Crime No.64 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the allegations against the petitioners is that the petitioners are members of self-help group and the said group is having a bank account in Indian Overseas Bank, Ervadi and the said account is having the amount of more than Rs.1 lakh. The petitioners herein along with other accused persons attempted to take the said amount by forging the signature of the defacto complainant and subsequently, the said fact came to the knowledge of the defacto complainant and she made a request to the Bank not to transfer the amount. Hence, he prayed for grant of anticipatory bail to the petitioners.



3. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that petitioners, by forging the signature of the defacto complainant, tried to take the amount, which is lying in the account of the self-help group. He opposed this petition, as investigation is pending. However, he fairly conceded that the petitioners have no previous case.

4. Taking into consideration of the fact that actually, the petitioners have not taken the amount and that they made only an attempt to take the amount and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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].

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

sd/-

02/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
THIRUKKARUNGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.P.R.PRITHIVIRAJ Advocate SR.No.10982

ORDER

IN

CRL OP(MD) No.8638 of 2019

Date :02/07/2019

VS

TK/PN/SAR.2/11.07.2019/3P/6C