

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8957 of 2019

Nagajothi ... Petitioner/Accused 2

Vs

The State rep by
The Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.258 of 2019

... Respondent/Complainant

For Petitioner : Mr.C.JEGANATHAN, Advocate for
M/s.Veera Associates

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.258 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 294(B), 406, 420 and 506(ii) of IPC in Crime No.258 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 even as per the F.I.R, there is no specific allegation against the petitioner and hence, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Govt. Advocate (Crl.Side) appearing for the respondent has submitted that the first accused in this case is the husband of the petitioner/A-2. The specific allegation against this petitioner is that she was there, at the time of signing the agreement by first accused. Hence, she opposed this petition, as investigation is pending. However, she fairly conceded that no previous is pending against the petitioner.

4.As per the F.I.R, the first accused entered into a sale agreement with the defacto complainant for selling certain properties for a sum of Rs.19,35,000/- on 05.04.2019 and received a sum of Rs.6,50,000/- as advance. The only allegation against the petitioner herein is that at the time of paying the advance amount, the petitioner herein was also there.

5.Taking into consideration of the aforesaid fact and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni 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 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner 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 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 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.R.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/-
28/06/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate,
Andipatti,Theni District.
- 2.The Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Andipatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-10796[I] dated
01/07/2019)

ORDER
IN
CRL OP(MD) No.8957 of 2019
Date : 28/06/2019

vs

TK/JC/SAR.3/04.07.2019/3P/6C

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