



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8689 of 2019

M.Radhika,,

... Petitioner/Accused

Vs

State rep by
The Inspector of Police,
District Crime Branch, Tuticorin,
Tuticorin District.
(Cr.No.13/2019).

... Respondent/Complainant

For Petitioner : M/s.A.D.Ganeshamoorthy,
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 Cr.No.13 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 420 and 468 of IPC in Crime No.13 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to civil dispute, a false case has been registered against the petitioner. He further submitted that totally there are four sisters including the petitioner. He further submitted that the petitioner is an innocent and he has been falsely implicated in the above case. However, on instruction he further



submitted that the petitioner is ready to pay a sum of Rs.12,500/- being share of the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that the investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the petitioner herself has come forward to pay a sum of Rs.12,500/- being share of the defacto complainant, but the defacto complainant refused to receive the same.

5. Taking into consideration the submission made by the learned counsel for the petitioner that totally there are four sisters including the petitioner and each of them will entitle to get Rs.12,500/- and on instruction, he submitted that the petitioner is ready to pay a sum of Rs.12,500/- being the share of the defacto complainant, but, the defacto complainant refused to receive the same, 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 on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court NO.1, Thoothukudi, Thoothukudi 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:

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

(ii) the petitioner shall deposit a sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred Only) to the credit of Crime No.13 of 2019 before the Judicial Magistrate Court NO.1, Thoothukudi, Thoothukudi District, without prejudice her defence before the trial Court;.

(iii) the petitioner shall report before the respondent police daily before 6.00 p.m for a period of one week and thereafter, as and when required before the respondent police for interrogation.

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

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

(vi) 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].

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

sd/-
30/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.1,
THOOTHUKUDI DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN,
TUTICORIN DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.D.GANESHAMOORTHY Advocate SR.No.12535

ORDER
IN
CRL OP (MD) No.8689 of 2019
Date :30/07/2019

KM/JC/SAR-III (06.08.2019) 3P 6C