



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9698 of 2019

C.Valarmathi

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.26 of 2019)

... Respondent

For Petitioner : M/s.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

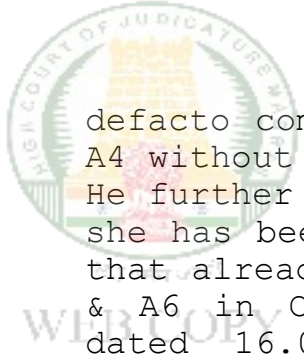
For Anticipatory Bail in crime 26 /2019 on the file of the Respondent police.

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 406 and 420 IPC, in Crime No.48 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, the defacto complainant is an Export Agent and the petitioner/A3 is also an Export Agent operating in the name of (M/s.SMS Exports - Cum - Maker of Jasmine Flower. The defacto complainant approached the petitioner/A1 in the month of November 2016, to export Jasmine flowers to the second and third accused Company namely, M/s.Yuwin Trading pvt Ltd., Singapore, through A4 to A6 (shipping Agent viz., M/s.Anchorage Shipping, Trichy). Due to some misunderstanding with the defacto complainant, the petitioners/A3 & A4 have not paid Rs.28,30,215/- against the export. Now, it is alleged that with an intention to cheat the



defacto complainant, A1 exported directly to the petitioners/A3 and A4 without paying the outstanding amount to the defacto complainant. He further submitted that since the petitioner/A3 is the wife of A2, she has been falsely implicated in this case. He further submitted that already this Court has granted anticipatory bail to A1, A4, A5 & A6 in CrI.OP(MD)No.7050 of 2019 and CrI.OP(MD)No.6975 of 2019 dated 16.05.2019. Hence, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners/A3 & A4 have not paid Rs.28,30,215/- against the export with an intention to cheat the defacto complainant. He further submitted that investigation is almost completed and the co-accused were already released on bail in CrI.OP(MD)No.7050 of 2019 and CrI.OP(MD)No.6975 of 2019 by this Court.

5.Considering the submission made by the learned counsel for the petitioner since the petitioner is the wife of A2, she has been falsely implicated in this case and also the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Judicial Magistrate Court, No.II, Trichy, 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:

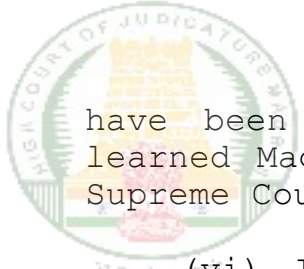
(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) since the petitioner is Government Servant, she shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation.

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

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

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Judicial 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].

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

sd/-

11/07/2019

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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, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.11655

ORDER

IN

CRL OP(MD) No.9698 of 2019

Date :11/07/2019

MS/VR/SAR-4/19.07.2019/3P.6C