



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

Monday, the Twenty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP(MD) No.22225 of 2018

P. KAMATCHI

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR. IN CR NO. 5 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MUTHU VIJAYA PANDIAN Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

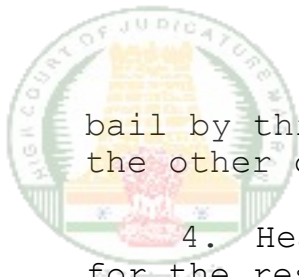
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 465, 468, 469, 471 and 420 of IPC, in Cr.No.5 of 2015 seeks anticipatory bail.

2. There are totally six accused in this case. The petitioner herein is A5. The case of the prosecution is that A1 is said to have represented along with the second accused one Padmanabhan being a Chairman of All India Rail Safety Council had told that if money is paid to them they would arrange to get permission from the Government for running college for railway safety. Believing the same, he had made payment to the tune of Rs.53,00,000/- and he neither gave permission nor returned the money. Hence he has filed a complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed in the said transactions between them. The petitioner's name mentioned in the complaint as she is a family friend of the defacto complainant. There is no specific overtact narrated by the defacto complainant as against the petitioner. The accused No.1 had already arrested and released on



bail by this Court in Crl.O.P(MD)No.69 of 2019, dated 07.01.2019 and the other co-accused were granted anticipatory bail.

4. Heard the learned Government Advocate(Crl.Side) appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsels, 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 No.II, Virudhunagar, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for 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.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
21/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.



2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DT.,
VIRUDHUNAGAR.

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

+1. CC to M/S.P.MUTHU VIJAYA PANDIAN Advocate SR.No.1011

ORDER
IN
CRL OP(MD) No.22225 of 2018
Date :21/01/2019

TR/VR/SAR-1 (23.01.2019) 3P 5C