



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22453 of 2018

T.SHENBAGAVALLI

... PETITIONER / 2nd ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI.
CRIME NO.138/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.NATESHRAAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

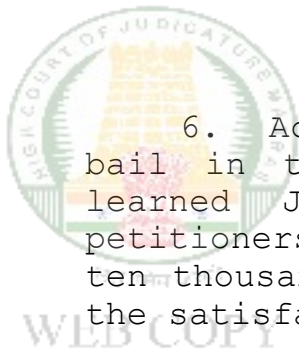
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b) and 506(i) of IPC in Cr.No.138 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant is an agent of e-kart courier company for Tenkasi, Kadayanallur and Pavor Chatram. During June 2017 the defacto complainant approached the petitioner's son for assisting him in delivering the articles to the residents in Tenkasi, Kadayanallur and Pavor Chatram. During the said period, the petitioner's son has misappropriated a sum of Rs.1,91,000/-. Hence a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 62 years, being mother of A1 has been falsely implicated in this case. He has no role in the said transactions and she has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner has already deposited Rs.63,000/- and she is a family pensioner.

5. Taking into consideration the facts and circumstances of the case and the fact that a part of amount has been settled, this Court 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 his appearance, before the learned Judicial Magistrate, Tenkasi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners 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/-

03/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION, TENKASI.

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

+1. CC to M/S.S.NATESHRAAJA Advocate SR.No.258

ORDER

IN

CRL OP (MD) No.22453 of 2018

Date : 03/01/2019