



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.17175 of 2018

KALAIIVANI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.
CRIME NO.41 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R. PON KARTHIKEYAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

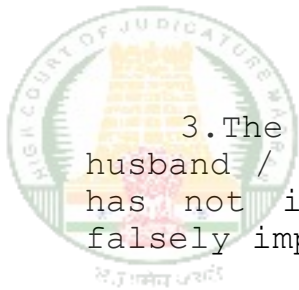
For Intervener : No appearance

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

ORDER : The Court Made the following order :-

The petitioner, who arrayed as the second accused and apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406 and 420 IPC in Crime No.41 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a practicing Advocate at Theni and his friend Velmurugan, who is also a native of Theni, is practicing Advocate at Coimbatore. The accused persons are the clients to the said Velmurugan. The defacto complainant got acquaintance with the accused persons through the said Velmurugan. The accused persons are doing the business in the name and style of Ayyammal Agency and supplying hospital equipment viz., stretcher, wheel and rim. Taking advantage of the relationship, the accused persons asked the defacto complainant to invest some amount to their business and he promised that on such investment, he will be benefitted more. Believing the same, the defacto complainant had invested a sum of Rs.7,21,040/- to their business and in few occasions, he received share amount. Subsequently, the accused persons were failed to give share. On demanding his money, the accused persons did not return the money.



3.The learned counsel for the petitioner would submit that her husband / first accused is running Ayyammal Agency. The petitioner has not involved in the business transaction and she has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) for the respondent police submits that the respondent police has diligently, registered the case on 18.09.2018 and arrested the first accused on the same date i.e., 18.09.2018 and completed the investigation. The respondent police has filed charge sheet before the concerned learned Judicial Magistrate on 11.12.2018.

5.Taking into consideration the facts of the case and the submissions made by learned counsel, 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, Theni, on condition that the petitioners 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioner shall appear before the trial Court on all hearing dates without fail.

[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/-
10/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.

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

+1. CC to Mr.R.PON KARTHIKEYAN Advocate SR.No.682

ORDER

IN

CRL OP (MD) No.17175 of 2018

Date :10/01/2019

MS/VR/SAR-1/22.01.2019/3P.6C