



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

Date : 15/07/2020

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PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.6920 of 2020

Karthigayini

... Petitioner/Sole Accused

Vs

The State rep.by  
The Inspector of Police,  
District Crime Branch,  
Madurai.  
Crime No.42/2019.

... Respondent/Complainant

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

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Sudalaiyandi, Advocate.

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

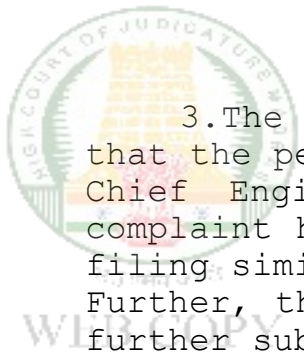
PRAYER :-

For Anticipatory Bail in Crime No.42 of 2019 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioner is a sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) of I.P.C., in Crime No.42 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that she is working as a Joint Chief Engineer, Highways Department. Earlier, she was working as a Joint Commissioner of HR&CE Department, she said to have received a sum of Rs.18,75,000/-, on promising the de-facto complainant to get tender work to his son, thereafter, she neither got any tender work nor repaid the amount. Hence, a complaint has been registered. Since the First Information Report was not registered, the de-facto complainant filed a petition under Section 156(3) of Cr.P.C., and based on the direction given by the learned District Magistrate No.I, Madurai, a crime has been registered.



3.The learned counsel appearing for the petitioner submitted that the petitioner is a respectful person and is working as a Joint Chief Engineer, only in order to wreck vengeance the present complaint has been filed. The de-facto complainant is a habitual in filing similar type of complaint as against the number of officials. Further, the petitioner never promised to get any tender. He would further submit that to show her *bonafide*, the petitioner is ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.42 of 2019, before the learned Judicial Magistrate No.I, Madurai.

4.The learned counsel appearing for the intervenor would submit that the petitioner, on promising the de-facto complainant to get tender work to his son and received a sum of Rs.18,75,000/-, but she did not get tender work and she also failed to repay the amount. Hence, the complaint was given.

5.The learned Government Advocate (Crl. Side) appearing for the State submitted that investigation is going on.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(a)the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.42 of 2019, before the learned Judicial Magistrate No.I, Madurai, on or before 17.08.2020, without prejudice to her rights and contentions before the trial Court;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation



(f) 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]***; and;

(g) if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
15/07/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER  
IN  
CRL OP(MD) No.6920 of 2020  
Date : 15/07/2020

sj i  
TK/PN/SAR.2/20.07.2020/3P/5C