



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9227 of 2020

M.Vanmathi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
City Crime Branch, Madurai City,
Madurai District.
Crime No.14 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Prabhu Rajadurai,
Advocate.

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

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

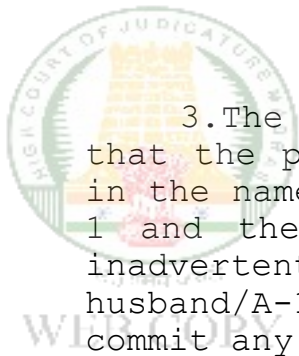
PRAYER :-

For Anticipatory Bail in Crime No.14 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as Accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 468, 471, 473, 474 and 420 of I.P.C., in Crime No.14 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A-1 is the husband of this petitioner and he was working as a Secretary in the Madurai Urban Co-operative Bank and he also misappropriated to the tune of Rs.9.83 crores. Earlier, a proceedings under Section 87 of the Co-operative Societies Act has been initiated and surcharge order was also passed. Thereafter, the property belonging to A-1 and the petitioner was attached by the Deputy Registrar, Madurai. After attachment, A-1 in this case said to have created a bogus document as if the attachment has been raised and made encumbrance. Hence, the crime has been registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner is a housewife and the property earlier stands in the name of this petitioner and the allegation is only against A-1 and the petitioner has absolutely no role about it and only inadvertently, she signed the document as requested by her husband/A-1 and there is no *mensrea* on the part of the petitioner to commit any offence.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that a huge amount has been misappropriated by A-1 and his property was legally attached by the Deputy Registrar, Madurai and after attachment, A-1 in this case said to have created a bogus document as if the attachment has been raised and made encumbrance.

5.On perusal of the records, it is seen that the allegation is only against the husband of the petitioner. Insofar as this petitioner is concerned, she is only a housewife and said to have signed the document as requested her husband/ A-1. Now A-1 is also arrested and remanded to judicial custody.

6.Considering the facts and circumstances of the case and also considering the fact that A-1 is also arrested and remanded to judicial custody, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

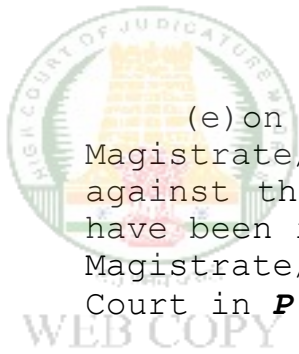
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioner shall execute a bond for 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 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;

(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]***; and;

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

sd/-
02/09/2020

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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,
CITY CRIME BRANCH, MADURAI CITY, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6233[I] dated 03/09/2020)

ORDER
IN
CRL OP(MD) No.9227 of 2020
Date : 02/09/2020

MS/JC/SAR-3/09.09.2020/3P.6C