



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

Date : 05/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11869 of 2020

Thasneem

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Madurai City.
Crime No.43 of 2019

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
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.43 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 IPC, in Crime No.43 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 in this case has collected a sum of Rs.1 crore 99 lakhs from the defacto complainant for getting job in Canada. Subsequently, he failed to get visa and repay the amount to the victim. Hence, the case has been registered. This petitioner is concerned, she is the sister of A1. After collecting money from the victim, A1 has transferred a sum of Rs.33 lakhs to the petitioner's account. The account statement of A1 from 01.01.2018 to 31.12.2018, shows that some amount has been transferred to the petitioner's account. Hence, she has also added an accused.



3.The learned counsel appearing for the petitioner submitted that after producing the account statement of A2 showing that the petitioner has received only a sum of Rs.1,75,000/- (Rupees One lakh Seventy five thousand only), she did not receive any other amount. However, she is ready and willing to deposit a sum of Rs.5,00,000/-.Hence, he prayed for anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police produced the account statements of the petitioner and submitted that the petitioner is being the sister of the 1st accused she received a sum of Rs.37,00,000/- from the amount deposited by the 62 victims. He further submitted that the petitioner is arrayed as A2 and that there is no change of circumstances after dismissal of the earlier bail application in Crl.OP(MD)No.10074 of 2020 dated 28.09.2020. Further, the custodial interrogation of the petitioner is absolutely necessary and therefore, he opposed to grant anticipatory bail to the second petitioner.

5.It is seen that this is the third application seeking anticipatory bail. The earlier bail application in Crl.OP(MD) No.10074 of 2020 was dismissed on merit by this Court on 28.09.2020. Further, it is seen from the perusal of statement of account of the 1st accused produced by the learned Government Advocate (Crl.Side) revealed that the petitioner is being the sister of 1st accused, she received a sum of Rs.37,00,000/- from the amount deposited by the 62 victims. Though, the learned counsel for the petitioner ready and willing to deposit a sum of Rs.5,00,000/-, the petitioner is not entitled to anticipatory bail. The accused persons cheated the major amount of Rs.1,99,54,000/- from the 62 victims. Hence, the custodial interrogation of the petitioner is absolutely necessary

6.Taking into consideration of the fact that there is no change of circumstances after dismissal of the earlier bail application in Crl.OP(MD)No.10074 of 2020, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
05/11/2020

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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.

WEB COPY

TO

- 1.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
MADURAI CITY.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11869 of 2020
Date :05/11/2020

DSS
TK/VR/SAR.3/18.11.2020/3P/3C