



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

Date : 14/10/2020

PRESENT

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

CRL OP(MD). No.11343 of 2020

Kathirava Perumal

... Petitioner/Accused-2

Vs

The State rep. by

1. The Superintendent of Police,
Theni District,
Theni-625 531.

2. The Inspector of Police,
District Crime Branch(DCB),
Theni District Police Office,
Theni-625 531.

Crime No.7 of 2020.

... Respondents/Complainants

For Petitioner : M/s.C.Masilamani,
Advocate.

For Respondents: Ms.M.Anandha Devi,
Government Advocate (Criminal Side)

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

PRAYER :-

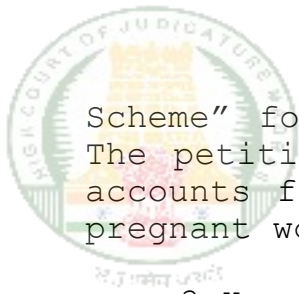
For Anticipatory Bail in Crime No.07 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This petition is suo-motu reopened by this Court, on 05.11.2020 and the order dated 14.10.2020 is recalled and the following order is passed afresh.

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120B and 409 of IPC, in Crime No.7/2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's wife / A1 is working as a Village Health Nurse for the past ten years. She has been making records of the pregnant women and children below 5 years. Further, she has to upload the pregnant women details to get the benefit of assistance from the "Dr.Muthu Reddy Assistance



Scheme" for the pregnant women from the Government of Tamil Nadu. The petitioner along with his wife jointly uploaded their personal accounts for thirty two pregnant women in the scheme meant for the pregnant women and thereby, cheated to the tune of Rs.2,96,000/-.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner's wife is working as a Village Health Nurse for the past ten years. The petitioner is the husband of the first accused and he has nothing to do with the crime as alleged by the prosecution. Without his knowledge, it was happened. However, to show his bonafide, the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only). Hence, he prayed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the petitioner and his wife uploaded their personal accounts in the beneficiary details for thirty two pregnant women and thereby cheated to the tune of Rs.2,96,000/-.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is the petitioner is directed to deposit a sum of Rs.1,00,000/-(Rupees One Lakh Only) to the credit of Crime No.7 of 2020 before the learned Judicial Magistrate, Theni. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner 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 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 his 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 his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness
<https://hccservicescourts.gov.in/hccservices> 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 accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/11/2020

/ TRUE COPY /

/ /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, THENI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE SUPERINTENDENT OF POLICE,
THENI DISTRICT, THENI-625 531.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
THENI DISTRICT POLICE OFFICE,
THENI-625 531.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11343 of 2020

Date : 05/11/2020

LS

<https://hcma.ces720mhs.gov.in/hcma/cv/6.11.2020/3P/6C>