

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.9463 of 2021

Mercy Ashok @ M.Mercy

... Petitioner

Vs.

State rep.by

... Respondent

The Inspector of Police,
Karaikal Town Police Station,
Karaikal District.
Crime No.26 of 2021.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of her arrest in connection with the Crime No.26 of 2021 on the file of the respondent police.

For Petitioner : Mr.KA.Raama Krishnan

For Respondent : Mr.D.Bharatha Chakravathy
Govt. Advocate (Pondy)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 r/w 34 of I.P.C., in Crime No.26 of 2021.

2. It is the case of the prosecution that the petitioner/A3 is the wife of A4 who along with others said to be involved in the activity of getting job to the individual in the name of Grace Consultancy. According to the prosecution, A1 received Rs.30,000/- as advance and A4/husband of the petitioner received Rs.2,40,000/-, later found that the alleged offer was fake and the defacto complainant approached the police and lodged FIR.

3. The learned counsel for the petitioner would submit that she is not living with him from January' 2018 onwards and she preferred DVC proceedings against husband/A4 claiming interim maintenance before the Judicial Magistrate I, Nagercoil, in DVC.No.33/2019, so she is no way connected by the alleged occurrence made by her husband.

4. The learned Government Advocate for the respondent would submit that the A4/husband and A3/wife were living together and in order to evade the Court proceedings, she approached the Court as if she is living separately from her husband. But this fact is strongly denied by the learned counsel for the petitioner.

5. Considering the pendency of the DVC proceedings as well as the release of the accused A1 and A2 on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is granted anticipatory bail in the event of her arrest or on her appearance, before the learned Judicial Magistrate I, Pondicherry, on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and 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 appear 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONDICHERRY.

2 THE JUDICIAL MAGISTRATE I,
NAGERCOIL.

3 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

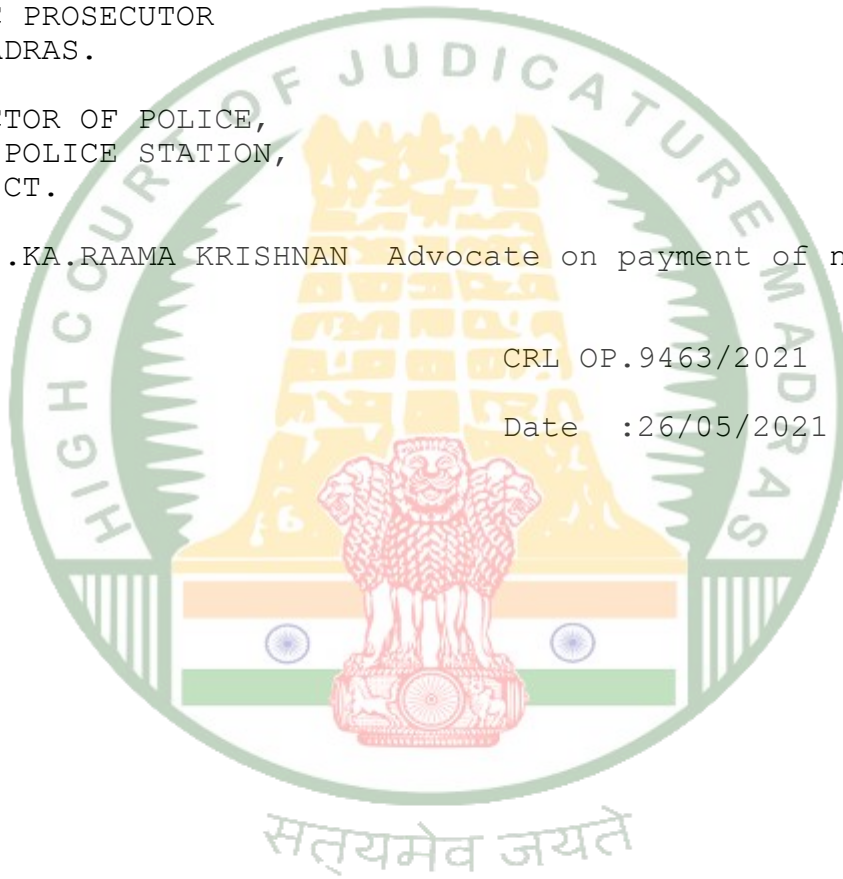
5 THE INSPECTOR OF POLICE,
KARAIKAL TOWN POLICE STATION,
KARIKAL DISTRICT.

CC to M/S.KA.RAAMA KRISHNAN Advocate on payment of necessary
charges

CRL OP.9463/2021

Date :26/05/2021

TA-08/07/2021



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