



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18851 of 2021

1 N.KALA [PETITIONERS/ACCUSED]
2 N.RAGHUL KRISHNA

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KANGAYAM POLICE
STATION,
TIRUPPUR DISTRICT.
CRIME NO.1061 OF 2021.

For Petitioner : M/S.D.RAGHU, Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b) & 506 (i) and 420 of IPC in Cr.No.1061 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had received a sum of Rs.8,50,000/- from the defacto complainant for the purpose of construction work and thereafter, the accused persons refused to complete the work and not returned the amount. Hence, the defacto complainant lodged a complaint against petitioner and other accused before the law enforcing agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. However, on instructions, the petitioner is ready to deposit a sum of Rs.8,50,000/- within a period of four weeks in favour of the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submitted that if the petitioner is come forward to repay the amount, which was collected from the victim, he has no serious objection to grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of eight weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kangayam, Tiruppur District, 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 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 pay a sum of **Rs.8,50,000/- (Rupees Eight Thousand Fifty Lakhs only)** by way of demand draft to the credit of Crime No.1061 of 2021, before the learned Judicial Magistrate Court, Kangayam, Tiruppur District without prejudice to his defence before the trial Court within a period of four weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/10/2021

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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 COURT,
KANGAYAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANGAYAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.D.RAGHU, Advocate on payment of necessary charges
SR.NO.11189

CRL OP.18851/2021

Date :07/10/2021

TA-24/11/2021