



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

Date : 12/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.456 of 2021

Sharmila Devi

... Petitioner/Accused No.2

Vs

State Rep.by,
The Inspector of Police,
District Crime Branch,
Karur District
Crime No.25/2020

... Respondent/Complainant

For Petitioner : Mr.AN.Ramanathan
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No. 25/2020 on the file of the respondent police

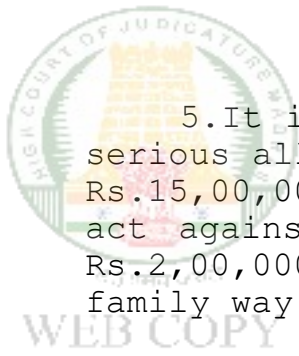
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406, 420, 468 & 471 IPC in Crime No.25 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons received a sum of Rs.15,00,000/- from the defacto complainant for getting job. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner is the wife of the first accused and she received a sum of Rs.2,00,000/- in cash. Hence, he opposed to grant anticipatory bail to the petitioner.



5.It is seen that the petitioner is the wife of A1 against whom serious allegations have been made stating that he received a sum of Rs.15,00,000/- for getting job in Axis Bank and Railways. The overt act against the petitioner herein is that she received a sum of Rs.2,00,000/- in cash. It is stated that the petitioner is in family way in advance stage of pregnancy.

6.Considering the above facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of crime No.25 of 2020 before the learned Judicial Magistrate No.I, Karur and the same shall be done while executing sureties.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur 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 petitioners 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]; and;

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

sd/-
12/02/2021

/ TRUE COPY /

/ /2021
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,
KARUR.
- 2.DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KARUR DISTRICT .
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.456 of 2021
Date :12/02/2021

GNS
PK/JC/SAR-I/18.02.2021 : 3P/5C