



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

Date : 19/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.944 of 2021

Gowsalya @ Gowsalya Devi

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
District Crime Branch, Ramanathapuram,
Ramanathapuram District.
(In Crime No.56 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Senthil.D.,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.56 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC, in Crime No.56 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons have collected a sum of Rs.7.85 lakhs from 9 victims promising to get a job in their society. After collecting money, the petitioner and others neither secured job and nor repaid the amount. Hence, the present complaint.

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

<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned counsel appearing for the petitioner submitted that the petitioner is only staff of the society. In fact, the petitioner has also invested a sum of Rs.50,000/- in the society. Therefore, the petitioner is the one of the victim and he has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner is ready and willing to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.56 of 2020 without prejudice to his rights in the criminal case Hence, he seek anticipatory bail.

5.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that totally there are four accused, in which, the petitioner has been arraigned as A1. The petitioner and other have conspired together and collected Rs.7.85 lakhs from 9 victims promising to get a job in their society. Thereafter, they failed to repay the said amount. He further submitted that there is no recovery from the petitioner.

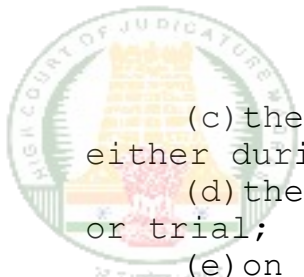
6.It is seen that totally there are four accused in this case, in which, the petitioner has been arraigned as A1. It is also seen that the petitioner along with other accused conspired together and collected a sum of Rs.7.85 lakhs from 9 victims promising to get a job in their society. Insofar as the petitioner is concerned, she is the one of the staff in the society and he has invested a sum of Rs.50,000/- in the society and there is no other serious allegations against him.

7.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.56 of 2020 within a period of Two weeks from the date of receipt of a copy of this order without prejudice to her rights and contentions before the concerned Court. On such deposit, 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.II, Ramanathapuram, 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 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 report before the respondent police as <https://helpline.mca.gov.in/helpline> 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/-

19/03/2021

/ 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.II,
RAMANATHAPURAM.

2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.D.SENTHIL, Advocate (SR-2303[I] dated 19/03/2021)

ORDER

IN

CRL OP(MD) No.944 of 2021

Date :19/03/2021

VSG

<https://hservices.ecourts.gov.in/HCServices> SPS/IC/25.03.2021/3P/6C