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

Date : 22/02/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2724 of 2021

K.Ramalakshmi

... Petitioner/Accused No.2

Vs

1.The Deputy Superintendent Of Police,
District Crime Branch,
Tirunelveli District,
Tirunelveli..

2.The Inspector of Police,
District Crime Branch,
Tirunelveli.
(Crime No.18 of 2017)

... Respondents/Complainants

For Petitioners : Mr.Karthick.R.J.,
Advocate.

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

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

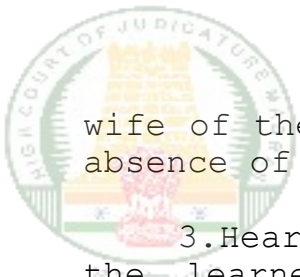
PRAYER :-

For Anticipatory Bail in crime No.18 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 409, 418 and 477(A) of IPC, in Crime No.18 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 04.07.2017 an inspection was conducted by the Inspector Postal/Defacto complainant along with his overseas, it came to light that the first accused has misappropriated a sum of Rs.18,13,830/- from the post office, where he was employed. Insofar as the petitioner is concerned, she is the



wife of the first accused and was deputed to attend the work on the absence of the first accused. Hence, the present complaint.

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

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that since the petitioner is the wife of A1, she has been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the the first accused has already paid the entire amount, due to which, the respondent police has filed final report and the same has been closed as 'Further Action Dropped'.

6. Considering the facts and circumstances of the case and also considering the facts that the entire amount has already been repaid by the petitioner and her husband, who is the first accused and investigation is almost completed as stated by the learned Government Advocate (Crl. Side) and the first accused has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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

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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, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT,
TIRUNELVELI.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.R.J.KARTHICK, Advocate (SR-1336[I] dated 23/02/2021)

ORDER
IN
CRL OP(MD) No.2724 of 2021
Date :22/02/2021

VSG

TE/SMA/SAR-I : 01/03/2021 : 3P/7C

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