



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD).No.5100 of 2020

Mareeshwari

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.1993/2019)

.... Respondent/Complainant

Ragu Subramanian

... Petitioner/Proposed 2nd
Respondent/Defacto Complainant

For Petitioner : M/s.R.Narayanan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side).

For Intervenor : Mr.S.Muthumalai Raja,Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.1993 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner who is figuring as accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406,408, 420 and 506(i) of I.P.C., in Crime No.1993 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner had earlier filed two petitions for anticipatory bail. They were dismissed by this Court.



4. Today also, the intervenor's counsel submitted that there is no change in circumstance.

5. Though there is considerable force in the contentions of the learned counsel appearing for the intervenor, two factors appear to me to constitute change in circumstance. Today, the petitioner has produced a Demand Draft for a sum of Rs.1,00,000/- favouring the defacto complainant. There is no dispute that the petitioner had remitted a sum of Rs.1,00,000/- in cash directly to the defacto complainant on 20.11.2020.

6. It appears that the petitioner was an employee working in Indian Express. The allegation of the defacto complainant is that she had collected the amounts directly from the persons who wanted to insert advertisement in Indian Express, but did not bring it to the account of the company. But then, it is stated by the petitioner's counsel that from some of the persons, the amount had already been directly collected. Of course the learned counsel appearing for the intervenor disputed the same. The case projected in the first information report is that the amount collected and misappropriated by the petitioner is Rs.5,16,789/-. It is beyond dispute that more than half of the said amount has been recovered.

7. The petitioner is a lady. She has a family. We are in pandemic times. Arresting the petitioner is not going to serve any purpose. The first information report is of the year 2019. Therefore, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Madurai, and on her executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

16.04.2021

/ TRUE COPY /

/ /2021



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, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-3176[I] dated 17/04/2021)

ORDER
IN
CRL OP(MD) No.5100 of 2020

Date : 16/04/2021

VB/PN/SAR-III (21/04/2021) 3P / 6c