



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8564 of 2021

Mathiyalagi

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Trichy.
Crime No.7/2021.

... Respondent/Complainant

For Petitioner : Mr.V.Rajiv Rufus,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-For Anticipatory Bail in Crime No.7 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 467, 468 and 294(b) of IPC, in Crime No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's son has completed Welder Course in ITI in the year 2011 and he was searching for job. The first accused, Prakash @ Hariharavignesh told his son that, he would get employment as a Welder in BHEL and for that he demanded Rs.5,00,000/-. The de-facto complainant paid Rs.2,00,000/- to him. Again the first accused demanded a balance amount for getting order. On 08.06.2016, he paid a sum of Rs.3,00,000/- to the first accused. But no employment order was given. When the de-facto complainant contacted A1, his wife/A2 attended the phone and told that don't disturb by making repeated phone calls and he would get employment order soon. The other allegation against the first accused is that he had received money from the complainant's son after giving false promise that he would get



employment. In this petition we are concerned only about the allegation made against the petitioner-Mathiyalagi.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent opposed this petition on the ground that investigation is not completed.

5.The learned counsel for the petitioner to show the *bonafide* of the petitioner, on instructions from the petitioner, submitted that the petitioner is ready to deposit a sum of Rs.1,50,000/- to the credit of Crime No.7 of 2021 on the file of the learned Judicial Magistrate No.I, Trichy, Trichy District.

6.In view of the said submission, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, Trichy 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 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 is directed to deposit a sum of **Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.7 of 2021 before the learned Judicial Magistrate No.I, Trichy, Trichy District,** within a period of four weeks without prejudice to her rights and contentions before the trial Court;

[c]the learned Judicial Magistrate No.I, Trichy, Trichy District, is directed to pass appropriate orders with regard to the disbursing the amount at the time of final disposal of the case including granting compensation to the de-facto complainant;

[d]the petitioner shall report before the respondent police as and when required for interrogation;



[e]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f]the petitioner shall not abscond either during investigation or trial;

WEB COPY [g]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]**;

[h]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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,
TRICHY, TRICHY DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

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

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

ORDER

IN

CRL OP(MD) No.8564 of 2021

Date :29/07/2021

SJI

MK/JM/SAR.IV/03.08.2021/3P/5C