



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2021

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PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP (MD) .No.11647 of 2021

1. Denisha

2. Marybai

3. C.Saju

... Petitioners/ Accused Nos. 1 to 3

Vs

The State,
Rep. by Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.
Cr.No.16/2021.

... Respondent/Complainant

For Petitioners : Mr.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No. 16 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC, in Crime No.16 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had received huge money from the defacto complainant on a false promise to get a Government Job. There after, they neither secured a job nor returned the amount. Further, the petitioners had received huge



money from the various persons and day by day complaints were being registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the first and third petitioners have not co-operated for the enquiry.

5.Considering the conduct and attitude of the first and third petitioners, this Court is not inclined to grant anticipatory bail to the first and third petitioners. **Accordingly, the petition is dismissed insofar as the first and third petitioners/A1 & A3 are concerned.**

6. Insofar as the second petitioner is concerned, taking into consideration the facts and circumstances of the case and also the fact that the second petitioner is co-operating regularly for the enquiry, **this Court is inclined to grant anticipatory bail to the second petitioner** subject to the following conditions.

7.Accordingly, this criminal original petition is partly allowed and the second 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.II, Kulithurai, on condition that the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the second petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or bank pass book to ensure their identity.

[b]the second petitioner shall report before respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second 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]**.



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

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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-II,
Kulithurai.
2. Do Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD).No.11647 of 2021
Date : 22/09/2021

TR/VR/SAR-IV(26.10.2021) 3P 5C