



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.12394 of 2021

1 MATHAVI

2 DEVI @ ANJALIDEVI

... PETITIONERS / ACCUSED Nos.2 AND 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALAGAPPAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.138 OF 2021.

... RESPONDENT / RESPONDENT

For Petitioners: MR.S.BALAJI, Advocate.

For Respondent : MR.P.KOTTAI CHAMY,

Government Advocate (Crl. Side)

For Intervener : Mr.S.BHARATHY KANNAN, Advocate

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

Prayer:-For Anticipatory bail in Crime No.138 of 2021 on the file of the Respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468 and 471 of IPC, in Crime No.138 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have received a sum of Rs.12,00,000/- from various persons by stating that they would arrange job in abroad and thereafter, they cheated them. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the entire amount has been paid to the victims.

4. However, the learned counsel appearing for the intervenor submitted that only a part amount has been paid and the remaining amount is yet to be paid.



5. Heard the learned Government Advocate (Criminal Side) appearing for the respondent police.

6. It is not known as to whether the petitioners have paid part amount or full amount. However, some amount has been paid to the defacto complainant. Hence, considering the nature of allegations against the petitioners and that the petitioners have paid some amount to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

28/10/2021

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



ssb

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,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALAGAPPAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.S.BALAJI, ADVOCATE (SR-7602[I] DATED 28/10/2021)

ORDER

IN

CRL OP (MD) No.12394 of 2021

Date : 28/10/2021

VB/SKN/SAR-I/02.11.2021/3P/6C