



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

Date : 08/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14255 of 2021

VASANTHI

... PETITIONER/ACCUSED NO.5

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
DCB MADURAI POLICE STATION,
MADURAI.
(CRIME NO.18 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.V.Karthic, Senior Advocate for
Mr.A.Mithun Chakaravarthi, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

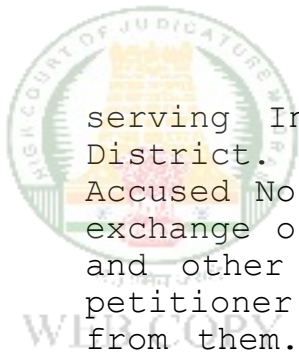
For Bail in Crime No.18 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 26.08.2021 in connection with the case in Crime No.18 of 2021, registered for the offence under Sections 384, 420, 409, 506(i) of IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.07.2021, the defacto complainant along with his relative namely Baskaran, went to borrow money from A1 namely Palpandi in Nagamalaipudukkottai, on their way back, the petitioner/the Inspector of Police, Nagamalapudukkottai Police Station intercepted them and had taken away a sum of Rs.10,00,000/- from the defacto complainant and refused to return the same and also criminally intimidated him. Hence, the complaint.

3.Learned Senior Counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and the petitioner is a



serving Inspector of Police, Nagamaalai Police Station, Madurai District. He further submits that on the date of occurrence the Accused No.2/Pandiaraj has given a secret information regarding the exchange of fake currencies between the present defacto complainant and other accused persons. Based on the secret information, the petitioner intercepted the defacto complainant and seized two bags from them. On search, it was found that the one bag contain only newspapers and documents and other bag contain only dresses. No incriminating materials were found with them.

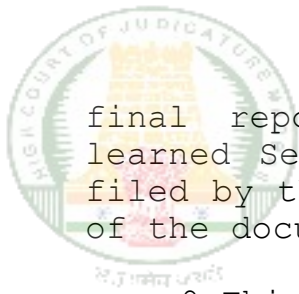
4.He further submits that though the occurrence was taken place on 05.07.2021, the FIR was registered only on 27.07.2021 with a delay of 22 days. By the order of the Superintendent of Police, Madurai the ADSP, IUCAW, Madurai, had conducted a detailed enquiry and all the witnesses were examined and evidences were collected and the complaint was closed. Even then she was arrested and she is languishing in jail for the past 44 days.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that this petitioner has not co-operated for the enquiry during the police custody and the petitioner's husband evaded the summons and has not co-operated for the enquiry. Thereafter, this Court issued directions to the petitioner counsel and only then, the petitioner husband appeared before the respondent police for enquiry. He would further submit that yet another complaint is pending as against the petitioner for taking away the final report from the Judicial Magistrate Court, Mellur and another case u/s 307 I.P.C on the file of the Dindigul North Police Station.

6. Mr.A.Kannan, a practicing Advocate before this Court made a request to permit him to place certain documents and also to file an application for intervening for the purpose of producing necessary documents as against this petitioner. Though the learned Advocate claims that he is having certain facts as against this petitioner, he is not representing the defacto complainant and this is not a public interest litigation and the State is represented by the learned Additional Public Prosecutor and therefore, his request is rejected.

7.In response, certain objections were raised by the learned Additional Public Prosecutor that apart from this case, this petitioner is having some other cases also.

8.The learned Senior Counsel submits that when this petitioner was working as the Inspector of Police, Dindigul, North Police Station, while conducting petition enquiry, an Advocate who accompanied one of the parties obstructed the enquiry and therefore, there was a wordy quarrel and this petitioner has lodged a complaint against that Advocate, as a counter complaint, the case has been served to the Advocate against this petitioner. Regarding the missing of the



final report before the Judicial Magistrate Court, Melur, the learned Senior Counsel submits that it is a referred charge sheet filed by this petitioner and she has nothing to do with the missing of the documents from the Court.

9.This Court paid its anxious consideration to the rival submission and also perused the materials placed on record.

10.This petitioner is serving as the Inspector of Police, However, she is facing several allegations. In this case, the petitioner was arrested on 26.08.2021 and she is in jail for the past 53, the investigating agency has taken police custody of this petitioner, conducted search in her house and the investigation is also conducted by the officer in the rank of Deputy Superintendent of Police. Though the learned Additional Public Prosecutor raised certain objections that the husband of the petitioner did not co-operate with the investigation, pursuant to the directions of this Court, he also appeared and extended his co-operation to the investigation officer, considering her status, the period of incarceration and the investigation is also proceeding in a right track bail is granted to the petitioner with the following conditions.

11.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Madurai, and on further conditions that:

[a]the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

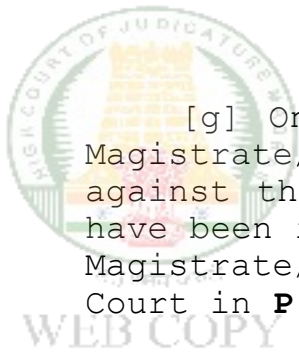
[b] The petitioner shall not misuse the liberty granted to her by this Court and if the petitioner is involved in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders for the investigation.

[d] the petitioner shall file an undertaking affidavit before the trial Court that he will appear before the Court regularly without filing any application to condone his absence on any date of hearing;

[e] the petitioner shall not abscond during the trial;

[f] the petitioner shall not tamper with the evidence or
<https://www.mca21.com/>



[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/10/2021

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/ /2021
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, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
DCB MADURAI POLICE STATION,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14255 of 2021
Date :08/10/2021

USK/SKN/SAR-IV/(08.10.2021) 4P-6C

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