



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3359 of 2022

PARKAVI

[PETITIONER / ACCUSED]

Vs

STATE REP

[RESPONDENT]

THE CENTRAL CRIME BRACH,

SALEM CITY.

CRIME NO.9/2021.

For Petitioner : M/S. K.SUDHAKAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 420 of IPC in Cr.No.9 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband, namely, Harinath, who is arrayed as A1, alleged to have been collected a sum of Rs.10,00,000/- from the defacto complainant for getting a Government job in the Education Department. He received the payments through on-line and cash on various dates. But, neither he obtained any Government job nor returned the money. When the same was questioned by the defacto complainant, the petitioner and his husband started to threaten him. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that in the FIR, the defacto Complainant has alleged that on 31.08.2020, the petitioner herein had received a sum of Rs.2,00,000/- (Rupees Two lakhs only).



In fact, the said averments is a false one. In other words, without prejudice to her rights, on her own volition is ready to deposit the said amount of Rs.2,00,000/-. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation is pending. Further, the misappropriated amount has not been recovered so far. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The submissions made by the learned counsels appearing on either side are considered. Admittedly, A1, who is the person alleged to have been received a major portion of the misappropriated amount from the defacto complainant was arrested and released on bail. In the said circumstances, being the reason that there was an allegation against the petitioner in respect of only a sum of Rs.2,00,000/-, considering the submission that the petitioner is ready to deposit the same, this Court is inclined to grant Anticipatory Bail to the petitioner.

6. 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, Salem** on condition that the petitioner shall execute a 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 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 is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** to the credit of Crime No.9 of 2021 before the concerned Magistrate within a period of three weeks from the date of receipt of a copy of this order. On such deposit being made, the defacto complainant is permitted to withdraw the said deposit amount of Rs.2,00,000/- on proper identification acknowledgment and affidavit to repay the same whenever the Court directs.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(d) the 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 anticipatory 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
11/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE/ OFFICER INCHARGE,
CENTRL CRIME BRANCH,
SALEM CITY.

+1 CC to M/S. K.SUDHAKAR Advocate on payment of necessary charges SR.NO.2288

CRL OP.3359/2022

Date :11/02/2022

TA-17/02/2022