



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.11358 of 2022

RADHIKA

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
MALAYAPALAYAM POLICE STATION,  
ERODE DISTRICT.  
CRIME NO. 27 OF 2022.

[ RESPONDENT ]

For Petitioner : M/S.M.IDHAYAMARY Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

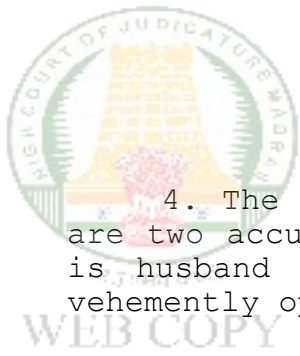
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2 out of two accused and who was arrested on 05.04.2022 for the alleged offences punishable under Section 406 and 420 of IPC in Crime No.27 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner (A2) and her husband appeared to have been joined in a relationship of not only living and enjoying the marital life but also to commit the above mentioned offences not just once but atleast on six earlier occasions. Modus operandi, appeared to be purchasing the products through on-line and not returning and holding the same with them.

3. The learned counsel for the petitioner submitted that she is innocent and she has nothing to do with the alleged offences and a false case has been registered against the petitioner. She is in judicial custody for more than 50 days. The learned counsel prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that there are two accused in this case. The petitioner is arrayed as A2 and A1 is husband of the petitioner and he is absconding. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the period of incarceration already suffered by the petitioner, this Court is inclined to grant bail to the petitioner(A2). It is made clear that grant of bail to the petitioner would not be a precedent to grant either anticipatory bail or bail to the other accused in this case.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate cum District Munsif Court, Kodumudi, and on further condition that:

[a] 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 shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

01/06/2022

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,  
CUM DISTRICT MUNSIF COURT, KODUMUDI.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
MALAYAPALAYAM POLICE STATION,  
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAI FOR WOMEN, CHENNAI.

+1 CC to M/S.M.IDHAYAMARY Advocate on payment of necessary  
charges SR.NO. 8261

CRL OP.11358/2022

Date :01/06/2022

RW-01/06/2022