



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

Date : 07/03/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4336 of 2022

Jamuna Rani

... Petitioner/Accused Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Cyber Crime Police Station,
Virudhunagar.
(Cr.No.8 of 2021).

... Respondent/Complainant

For Petitioner : M/s. P.Suresh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 of IPC and Section 66 D of Information Technology (Amendment) Act, 2008 INF C in Crime No.8 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 08.10.2021, the petitioner and other accused approached the de-facto complainant and told that they were coming from Chozha Finance Company and offering loan for lesser amount and requested the de-facto complainant to arrange 12 persons and they were also offered Rs.1,00,000/- to each members and collected documents and subsequently, the de-facto complainant paid Rs.29,400/- in the Overseas Bank Account No.358201000001250, which belonged to the petitioner, on 11.10.2021 for getting loan, but however, neither provided loan nor repaid the said amount to the de-facto complainant.



3.The learned counsel for the petitioner would submit that this Court has granted bail to A1 in Crl.O.P.(MD)No.20102 of 2021, dated 10.01.2021 and directing him to deposit a sum of Rs.29,400/- to the credit of Crime No.8 of 2021 and that A1 has already deposited the entire amount. He would further submit that A2 was also granted bail by this Court in Crl.O.P.(MD)No.3290 of 2022 on 10.01.2021 and hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is not having any previous case for similar offence.

5.Considering the above facts and circumstances and also the facts that A1 and A2 were already released on bail by this Court and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.I, Virudhunagar, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and 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 as and when required for interrogation.

(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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/03/2022

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/ /2022

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,
VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-1797[I] dated 08/03/2022)

ORDER
IN
CRL OP(MD) No.4336 of 2022
Date :07/03/2022

USK/VR/SAR-II/11.03.2022/3P/6C