



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4965 of 2022

S.Vaheetha Ghousia ... Petitioner/Sole Accused
(Wrongly Mentioned as Vahitha Gowsiya)

Vs.

The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.200 of 2022)

... Respondent/Complainant

For Petitioner : Mr.T.LAJAPATHI ROY.T.
Advocate.

For Respondent : Mr.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

For Intervenor : Mr.T.BALAKRISHNAN,
Advocate.

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

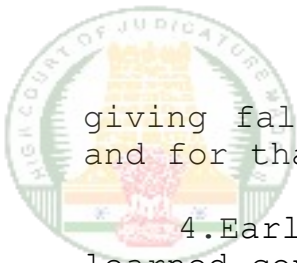
PRAYER :- For Anticipatory Bail in Crime No.200 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.200 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner cheated the defacto complainant by giving false promise that she will arrange to get a job in abroad. But, she did not do the same, and not returned back the money. Hence, the complaint.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that it is a clear case of job rocketing, that the accused cheated the defacto complainant by



giving false promise that she will arrange to get a job in abroad and for that purpose, the accused received a sum of Rs.10,00,000/-.

4.Earlier, when the matter was taken up for hearing , the learned counsel for the petitioner has filed a memo stating that the petitioner has already deposited a sum of Rs.4,00,000/- and that the petitioner has already undertaken to pay the remaining amount on or before 05.04.2022.

5.Today, when the matter is taken up for hearing, the defacto complainant is present before this Court and filed an affidavit stating that she has received a sum of Rs.6,00,000/-, without prejudice to her rights in the proceedings in Crime No.200 of 2022 and she has no objection to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also the fact that the petitioner is not having any previous case and also taking note of the affidavit filed by the defacto complainant that she has received the entire amount of Rs.10,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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.II, Madurai, 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 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 Aadhaar 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 the evidence or witness either during investigation or trial.

[e]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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/04/2022

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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.II
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LAJAPATHI ROY.T., Advocate SR.No.3212

ORDER
IN
CRL OP(MD) No.4965 of 2022
Date :08/04/2022

MK/PN/SAR-IV/19.04.2022/3P/6C