



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 29/04/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.8346 of 2022

1.Femina Banu
2.Sheik Mohamed @ Sheik Abdul Kather ... Petitioners/
Accused No.8 and 9

Vs.

State rep. By
The Inspector of Police,
E.O.W-II, Dindigul
(Crime No.2 of 2020) ... Respondents/Complainant

For Petitioners : Mr.S.M.Anantha Murugan, Advocate,
for Mr.B.Mohan, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Criminal side)

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

PRAYER :-For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

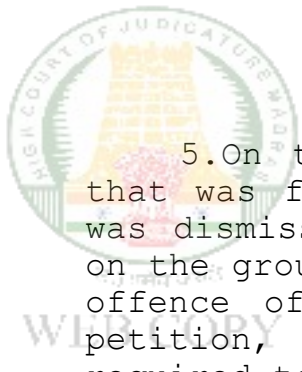
ORDER : The Court made the following order :-

The petitioners, who are arrayed as A8 and A9 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 120(B) IPC and Section 5 of TNPID Act, in Crime No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The petitioners are facing the charges for the offences punishable under sections 406, 420, 120(B) IPC and section 5 of TNPID Act.

3.Heard both sides.

4.The 1st petitioner is the daughter of the 1st accused and the 2nd petitioner is the husband of the 1st petitioner. This petition has been filed on the ground that these petitioners are also similarly placed with that of the petitioners in Crl.OP(MD)No.1979 of 2022, who are the 5th accused and the 7th accused.



5. On the earlier occasion, the anticipatory bail application, that was filed by the above said accused persons namely A5 and A7 was dismissed by this court and later, they filed another petition on the ground that those persons were not involved in the above said offence of cheating and misappropriation of the amount. In that petition, the learned Government Advocate (Criminal side) was required to verify whether any money that is involved in the offence has been transferred to their account. On verification of records, the learned Government Advocate (Criminal side) has submitted that no money has been transferred to their account on the date of the above said verification. So on that ground, that petition was allowed. This petition has been filed stating that these petitioners are also similarly placed that of the above accused persons. So according to them, the rule of parity can also be applied in this matter.

6. The learned Government Advocate (Criminal side) would submit that as on today, there is no evidence to show that the amount involved in the above said offence has been transferred to the account of the petitioners. Whether any property has been purchased in the name of the petitioners, no particulars are available as on date. Still the matter is pending investigation in spite of lapse of more than two years.

7. Considering the limited role that alleged to have been played by the petitioners and by applying the rule of parity, this court is inclined **to grant anticipatory bail to the petitioners** with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Special Court of TNPID (FE), Act cases, Madurai and on each of them executing a 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 Court concerned and the petitioners shall appear before the respondent police once in a week, preferably on every Monday at 10.00 a.m. until further orders and cooperate with the investigation process. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned court within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
29/04/2022

/ TRUE COPY /

13/05/2022
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 SPECIAL COURT OF TNPID(FE)ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
EOW-II, DINDIGUL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.MOHAN, Advocate (SR-4193[I] dated 29/04/2022)

ORDER

IN

CRL OP(MD) No.8346 of 2022

Date :29/04/2022

ER

MK/VR/SAR.II/13.05.2022/3P/5C