



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

Date : 29/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8325 of 2022

Sakthi Sree

... Petitioners/Accused No.11

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Sivagangai.
Crime No.5/2022.

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G.,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.5 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/All, who was arrested and remanded to judicial custody on 10.04.2022 for the offences punishable under Sections 406, 468, 471, 420, 120(B) and 506(1) IPC in Crime No.5 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused approached the de-facto complainant and told that there is a scheme namely, "Amudhasurabi", in which, money deposited in the said scheme will be doubled in a short period and advised the de-facto complainant to deposit money in the said scheme. Believing their words, the de-facto complainant had deposited a sum of Rs.1,29,35,000/- in favour of the accused persons on various dates, for which, the de-facto complainant has received Rs.8,74,000/- as share. The remaining amount of Rs.1,20,61,000/- has not been returned by the accused and when the same was questioned by the de-facto complainant, the petitioner and other accused threatened the de-facto complainant with dire consequences. Hence, the complainant.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. side) would submit that a sum of Rs.5,00,000/- was credited in the petitioner's account and Rs.10,00,000/- was credited in her husband's account and that now the petitioner's husband/A12 is absconding.

5.At this juncture, the learned counsel for the petitioner, on instructions, would submit that the petitioner is ready and willing to deposit a sum of Rs.5,00,000/- to the credit of Crime No.5 of 2022 on the file of the learned Judicial Magistrate No.II, Sivagangai, without prejudice to her rights and contentions and the learned counsel for the petitioner filed a memo to that effect.

6.Considering the above facts and circumstances and also taking note of the undertaking given on behalf of the petitioner and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the learned Judicial Magistrate No.II, Sivagangai, to the credit of Crime No.5 of 2022 without prejudice to her rights and contentions within a period of two weeks from the date of receipt of a copy of this order;

8.On such deposit, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.II, Sivagangai and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 daily at 10.30 a.m. until further orders.

(c)the petitioner shall not tamper with the 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/04/2022

/ TRUE COPY /

29/04/2022
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,
SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT,
MAHALIR CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-4158[I] dated 29/04/2022)

ORDER
IN
CRL OP(MD) No.8325 of 2022
Date :29/04/2022

USK/VR/SAR-III/29.04.2022/3P/7C

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