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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP(MD). No.9525 of 2022

Shanthi ... Petitioner/Sole Accused

Vs

The State rep. by
The Sub-Inspector of Police,
District Crime Branch,
Theni District.
Crime No.13 of 2022. ... Respondent/Complainant

For Petitioner : Mr.J.Anandkumar,Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 13 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 468, 471 and 420 of IPC, in Crime No.13 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner received a sum of Rs.13,70,000/- from the de-facto complainant by giving false promise to get a permanent job at Salem District Court and thereafter, she failed to secure the job and refused to return the said amount. Hence, the complaint.

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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. He would further submit that the alleged occurrence took place on 22.04.2018. After a lapse of four years, the present case has been foisted against her. He would further submit that in order to show her *bona fide*, she is ready and willing to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the Jurisdictional Court.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is a clear case of job racketing and the petitioner alleged to have received a sum of Rs.13,70,000/- from the de-facto complainant by giving false promise to secure job.

5.Considering the above facts and circumstances and considering the facts that the petitioner is a lady and not having any previous case and also taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the Jurisdictional Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the learned Judicial Magistrate, Theni to the credit of Crime No.13 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, failing which the said order will be cancelled:

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or her appearance before the learned Judicial Magistrate, Theni, 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 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 on every Saturday 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;

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(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].***

sd/-
18/05/2022

/ TRUE COPY /

20/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-4754[I] dated 19/05/2022)

ORDER
IN
CRL OP(MD) No.9525 of 2022
Date :18/05/2022

PKP/JM/SAR-2/20.05.2022/3P/6C

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