



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.9820 of 2022

R.Chandrakala

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
Cr.No.15/2022.

... Respondent/Complainant

For Petitioner : M/s.Dilip Kumar N,
Advocate.

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

For Intervenor : Mr.T.Arul, Advocate
for Mr.M.R.Sreenivasan, Advocate

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

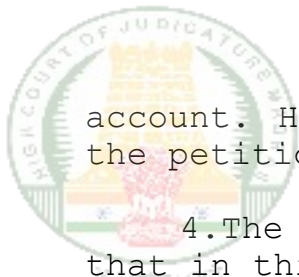
PRAYER :- For Anticipatory bail in Crime No. 15/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406 and 420 IPC in Crime No.15 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has served as Principal in the petitioner's college from 07.12.2015 based on the assurance of giving salary of Rs.25,000/- per month. But till now, no salary was given. Further, the petitioner borrowed the amount of Rs.61 Lakhs, but till now the amount is not returned. Hence, the complaint.

3.The learned counsel 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 petitioner has paid Rs.15,00,000/- to the defacto complainant



account. Hence, the learned counsel prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (criminal side) submitted that in this case, 12 witnesses have been examined and major part of the investigation is already over. Considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner has paid Rs.15,00,000/- and produced a Xerox copy of the bank passbook and also considering the fact that the major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner on 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.1, Nagercoil, on condition that the petitioner shall execute 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 on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special court/concerned court 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 daily at 10.30 am until further orders.

(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 Special Court/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 Special Court/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.

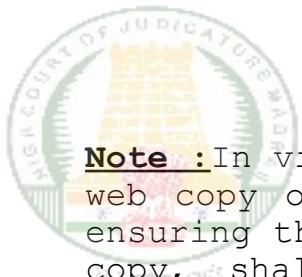
sd/-

03/11/2022

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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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DILIP KUMAR N Advocate SR.No.12414

+1. CC to M/S.R.NANDAKUMAR, Advocate SR.No.12626

ORDER

IN

CRL OP(MD) No.9820 of 2022
Date :03/11/2022

SKN

SA/VR/SAR.2/17.11.2022/3P/7C