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CRL OP(MD). N



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

Date : 04/11/2022

PRESENT

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

CRL OP(MD). No.15561 of 2022

Shakila

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Cr. No. 134/2022.

... Respondent/Complainant

Justin Joseph Raj

... Petitioner/Intervenor
in Crl MP(MD) No.10938 of 2022

For Petitioner : M/s.Ebenezer.T.A.,
Advocate.

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

For Intervenor : Mr.K.Rajeshwaran,
Advocate.

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

PRAYER :-

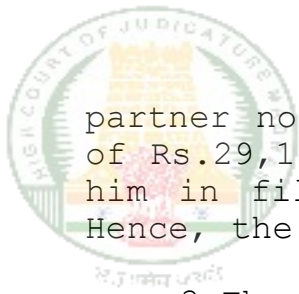
For Anticipatory Bail in Crime No.134 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 IPC, in Crime No.134 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with his husband/A1 approached the defacto complainant and insisted him to invest Rs.50 lakhs in the garment business and also stated that if the petitioner invested the said amount, the petitioner would get Rs.4 or Rs.5 lakhs of profit each month. Believing their words, the defacto complainant transferred a sum of Rs.39,20,405/- from his account and handed over a sum of Rs.8 lakhs in cash. Thereafter, the

<https://www.mca.gov.in/judic>



partner nor repaid any profit. On repeated demand, they gave him an amount of Rs.29,15,661/-. When he demanded the balance amount, they abused him in filthy language and threatened him with dire consequence. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent. She has been falsely implicated in this case. He would further submit that the petitioner's husband, who was arrayed as A1 returned Rs.31,88,011/- through bank transaction. Thereafter, Rs.8,50,000/- and Rs.7,50,000/- was paid to the defacto complainant on various occasions. The petitioner being wife of A1, she was implicated in this case and A1 was arrested and remanded. Later, released on bail by the Lower Court. Hence, he seeks anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor would submit that since balance amount was not yet paid, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that 6 witnesses have been examined and A1 was released on bail by the Lower Court. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the facts that 6 witnesses have been examined and A1 was released on bail by the Lower Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

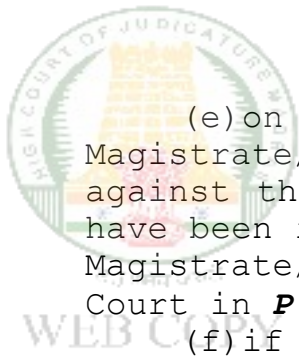
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/11/2022

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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.

TO

1. The Judicial Magistrate No.II,
Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Silaiman Police Station, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

- +1. CC to M/S.EBENEZER.T.A. Advocate SR.No.12552
+1. C.C. to M/S.V.BALAJI, Advocate SR.No. 12582

ORDER

IN

CRL OP(MD) No.15561 of 2022

Date :04/11/2022

SS/SSS/SAR II/17.11.2022/ 3P/ 7C