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

Date : 28/09/2022

PRESENT

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

**CRL OP (MD) . No.17347 of 2022**

Kalpana

... Petitioner/Accused

Vs

State rep.by  
The Inspector of Police,  
Central Crime Branch,  
Madurai City.  
(Crime No.105/2009).

... Respondent/Complainant

For Petitioner : M/s.Gunaseelanmuthiah J, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.105/2009 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police, in pursuant to NBW issued by the Judicial Magistrate No.I, Madurai in C.C.No.67 of 2012, in Crime No.105 of 2009, seeks anticipatory bail.

2.Today, when the matter was taken up for hearing, on the side of the petitioner, it is stated that the petitioner is not aware of the case against her and on 25.04.2014, NBW was issued against him. Hence, prayed to release her on anticipatory bail.



3.It is submitted by the prosecution that it is a case of job racketing and in this case absconding charge sheet was filed against the accused and the same was taken on file as CC No.67 of 2012. Due to her absence, NBW was issued against her on 25.04.2014. After a lapse of 8 years, the petitioner has filed this petition. The petitioner is not having any bad antecedent. Hence, prays to dismiss the petition.

4.Considering the facts and circumstances of the offence, considering the fact that in this case, absconding charge sheet was filed before the Judicial Magistrate No.I, Madurai and taken on file as C.C.No.67 of 2012 and the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate No.I, 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 trial Court on all hearings without fail;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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;



(g) The trial Court is directed to dispose of the case, within three months, from the date of receipt of copy of this order.

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Sd/-  
28/09/2022

/10/2022

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

PNM

TO

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

**COPY TO :** THE REGISTRAR(JUDICIAL) ,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.17347 of 2022  
Date :28/09/2022

SP/GB/SAR /07/10/2022/3P/6C