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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18020 of 2022

Ramayai Ammal @ Ramayee

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.16 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Prithviraj C,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 16 of 2022 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 for the alleged offences punishable under Sections 417, 420 and 120(b) of IPC, in Crime No.16 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and one Mariammal, who was working as a Superintendent of School Education Department and P.A., to Chief Educational Office, Batalagundu, have received a sum of Rs.23 lakhs from the daughter-in-law of the defacto complainant for getting Government job. However, they deceived her. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case.



4.The learned Government Advocate (crl.side) appearing for the respondent police submitted that co-accused was released on bail and investigation is almost completed.

5.Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, 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 common 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]while executing the sureties, the petitioner shall deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)** to the credit of Crime No.16 of 2022 before the trial Court concerned, without prejudice to her rights and contentions before the trial Court. On such deposit being made, the defacto complainant is permitted to withdraw the same after filing undertaking affidavit in accordance with law.

[c]the petitioner shall report before the respondent police as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

[g]if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2022

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/10/2022

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 INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18020 of 2022

Date :07/10/2022

Myr/ta

RS/SVR/SAR.(10.10.2022) 3P-5C