



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

Date : 28/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.18473 of 2022

Ayeesha

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Tenkasi District.
Crime.No.3 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Gunaseelanmuthiah J,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 03 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 467, 468 and 473 of I.P.C, in Crime No.3 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that he is working as Manager in Union Bank of India. The first accused namely, Selvi was working as temporary staff in the branch for about five years. By making false promise that they can secure the pledged jewels at lower price, she received money from various persons and for that purpose, she stole away the old tokens, challans, etc., and forged for the above said documents and created the stamp for the purpose of committing the above said forgery. When that was enquired, she admitted her guilt. She also written a letter stating that she is responsible for the above said offences. On the basis of the above complaint, the case has been registered.



3. Earlier anticipatory bail application in CrI.OP(MD) 59 of 2022 was dismissed on 08.09.2022, on the ground that a portion of the jewel has not been recovered so far and the custodial interrogation of the petitioner was required. Now, this is the second anticipatory bail petition filed on the ground that a wrong statement was given by this Court in the earlier order that the petitioner also a temporary employee of the Bank. But, actually, this petitioner is not a temporary employee. One of the co-accused was temporary employee. That fact was admitted by the prosecution. The statement that was made by this Court, may not have any bearing upon the order.

4. The learned counsel for the petitioner would submit that there was no complaint against this petitioner by the bank manager. The petitioner was arrayed as an accused only based upon the confession statement of the first accused namely, Selvi. Purposely, she made the statement by implicating the petitioner. According to her, except the confession statement of the co-accused, no other material has been collected.

5. Per contra, the learned Government Advocate (CrI.Side) would submit that considering the nature of allegation and seriousness of issue, earlier application was dismissed.

6. Since the remaining portion of the jewel is not yet recovered, I find no change of circumstance. Unless the remaining jewel is identified and recovered, the innocent victim will be affected. Even though, the petitioner has filed a civil suit for recovery of the amount, that was filed only subsequent to the registration of FIR. When there is allegation to the effect that a portion of the profit of crime is in the hands of the petitioner, she is not entitled for discretionary relief of anticipatory bail. She must be subjected to custodial interrogation for identifying and recovering the jewels. So I find no reason to differ from the above said earlier view and I find no change of circumstance.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

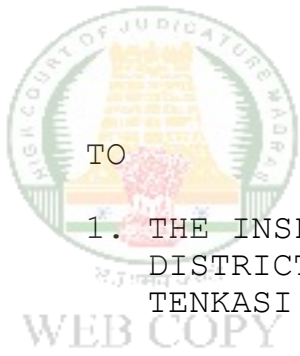
28/10/2022

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/11/2022

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



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TENKASI DISTRICT.

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

+1. CC to M/S.GUNASEELANMUTHIAH J Advocate SR.No.51651 (F).

ORDER

IN

CRL OP(MD) No.18473 of 2022

Date :28/10/2022

DSS

USK/SSS/SAR-II/01.11.2022/3P/4C