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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.18745 of 2022

Brindha

... Petitioner/3rd Accused

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No. 21 of 2022

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu G,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

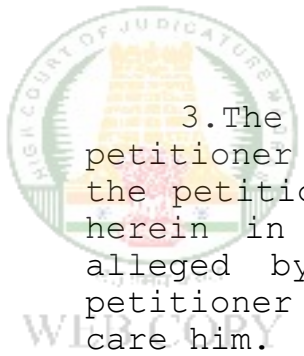
PRAYER :-

For Anticipatory Bail in Crime No.21 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 offences punishable under Sections 120(B), 406, 420, 294(b) and 506(i) of I.P.C, in Crime No.21 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has given a sum of Rs.10,00,000/- to the first and second accused for the purpose of securing Assistant Post at Co-operative Bank for his two son-in-laws. Thereafter, the accused had not secured job as promised by them and they cheated the defacto complainant and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is the wife of the first accused and in order to harass the petitioner, the defacto complainant incriminated the petitioner herein in the complaint and she did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is having mentally retarded child and she has to take care him. Hence, she may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that it is a clear case of job racketing and the first and second accused cheated the defacto complainant to the tune of Rs.10,00,000/-. He would further submit that the petitioner is the wife of the first accused. The specific overt act against the petitioner is that she scolded the defacto complainant with filthy language and also threatened him and the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case and also considering the fact that main allegation are against A1 and A2 and the petitioner being wife of A1 and also the fact that no serious allegation has been levelled against her, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Mentally retarded

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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, Virudhunagar, 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 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]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/10/2022

/ TRUE COPY /

/11/2022

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

CP

TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12196[I] dated
01/11/2022)

ORDER
IN
CRL OP(MD) No.18745 of 2022
Date :31/10/2022

RK/SSS/SAR-2 (09/11/2022) 3P/6C