



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19168 of 2022

Nagarani

... Petitioner/Accused No.2

Vs

State Rep.by

The Inspector of Police,

Dindigul District Crime Branch Police Station,

Dindigul District.

(Crime No.11/2022)..

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu, Advocate

For Respondent : Mr.S.S.Madhavan,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent for the alleged offences punishable under sections 120(B), 406, 420, 294(b) and 506(i) IPC, in Crime No.11 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that in the year 2016, the first accused and the second accused contacted over phone stating that they had contact in Secretariat and at political level. They promised to secure teacher job in the Government school and stated that it may require Rs.12,00,000/-. So she paid Rs.9,80,000/- by arranging money. Similarly, the accused persons were also found to have cheated her relatives to the tune of Rs.84,75,000/-. They have also promised to arrange for getting good marks in 2017 Teachers Eligible Test. In June 2017, they contacted them with regard to return of the money.

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



Further enquiry reveals that they have also cheated her and also her husband to the tune of Rs.52,20,000/-. Similarly, several persons have been cheated by them. On 08/12/2021, the accused persons promised to return the money on or before 15/12/2021 and executed a document also. Similarly, they have also executed an undertaking letter to others. But in-spite of the undertaking, they did not return the money. When that money was demanded, they criminally intimidated. Based upon the complaint, the present case has been registered.

3.The earlier anticipatory bail petitions were successfully dismissed by this Court, considering the gravity of allegations and also considering the fact that the amount involved in the above said job racketing was not recovered from the accused persons. In spite of repeated dismissal of anticipatory bail petitions filed by this petitioner, the fact that order was also known to the Investigating Officer, no effort was made by him, to subject this petitioner to custodial interrogation. Even without examining this petitioner and without sending any summon for the purpose of investigation, final report has been filed by showing this petitioner as an absconding accused.

4.The first accused, who is the husband of the petitioner, was released on statutory bail, after prolonged judicial custody. Why the Investigating Officer has not taken any effort to enquire this petitioner, has not been explained.

5.Reading of CD file shows that at one point of time, this petitioner gave a complaint against the victim viz., Muthu and Others, as if, she was harassed by the above said persons. In the police station, the first accused appeared and gave a statement that he will settle the entire amount, but later he failed to do so. In spite of all those developments, it appeared that no effort was made by the Investigating Officer to enquire this petitioner. Since final report also filed before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner, with the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the Judicial Magistrate No.II, Dindigul 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 Magistrate concerned and the petitioner shall appear before the trial Court daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. It is further observed that, if the Investigating Officer requires the custodial interrogation of this petitioner, he is at liberty to approach the concerned Court for appropriate relief.



7. The petitioner shall appear before the concerned M. within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed

sd/-
04/11/2022

WEB COPY

/ TRUE COPY /

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
DINDIGUL DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12541[I] dated 07/11/2022)

ORDER
IN
CRL OP(MD) No.19168 of 2022
Date :04/11/2022

pnm
PKP/GB/SAR-3/09.11.2022/3P/6C