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CRL OP(MD).A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2022

PRESENT

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

CRL OP(MD). No.19119 of 2022

Udaiyammal

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(In Crime No.431/2022).

... Respondent/Complainant

For Petitioner : M/s.Kalidoss 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 Cr No.431/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime.No.431 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have received a sum of Rs.6,24,000/- from various persons for getting a job in foreign country and subsequently, cheated them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that both the A1 and A4 have received a sum of Rs.1,50,000/- from the defacto complainant and the petitioner herein is the wife of A1. He would further submit that petitioner is no way connected with offence and her name has been falsely implicated in this case and seeks anticipatory bail.



4.The learned Government Advocate (Crl.Side) would submit at totally four accused involved in this case and the total amount involved in this offence is Rs.6,24,000/-. He would further submit that A1 and A4 have received a sum of Rs.1,50,000/- from the defacto complainant for getting job in the foreign country and subsequently, cheated him. He further contended that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, Tenkasi District, 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 deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.431 of 2022 on the file of the learned Judicial Magistrate, Sivagiri, Tenkasi District;

(c) the petitioner shall appear before the respondent Police daily at 10.30 am until further orders;

(d)the petitioner shall not tamper with 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]***; and;



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(g)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

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

TRP

TO

- 1.THE JUDICIAL MAGISTRATE,
SIVAGIRI, TENKASI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19119 of 2022
Date :01/11/2022

RK/GB/SAR-1 (09/11/2022) 3P/5C