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CRL OP(MD). N



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

Date : 14/11/2022

PRESENT

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

CRL OP(MD) . No.19944 of 2022

Gomathi Paramasivam

... Petitioner/Accused No.1

Vs

The State represented by
The Sub Inspector of Police,
Edayakottai Police Station,
Dindigul District
(Crime No.32 of 2022).

... Respondent/Complainant

Manivel

... Petitioner/Intervenor
in CRL MP(MD) No.13892 of 2022

For Petitioner : M/s.M.Sam Eugene Jebakumar,
Advocate.

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

For Intervenor : M/s.C.Bharathi

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

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
420, 417 and 506(1) IPC in Crime No.32 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that the de-facto complainant
namely Manivel is an agriculturist. On 31.08.2021, the accused
persons made a contract with the de-facto complainant that they are
<https://www.mhlg.in/judis> buy the onions for a sum of Rs.5,07,990/-. In view of



the same, they gave an advance amount of Rs.74,500/- and they promised to give a balance amount on 10.09.2021. On such assurance, the de-facto complainant delivered the onions to the accused persons. The petitioner/A1 voluntarily made a promissory note to the de-facto complainant in Tirupur to give a remaining amount on 10.09.2021. The second accused has signed as witness in the promissory note. Thereafter, they have cheated the de-facto complainant, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that A3 and A4 were already granted anticipatory bail by this Court in Crl.O.P.(MD) No.17430 of 2022, dated 29.09.2022. Hence, he prays for anticipatory bail.

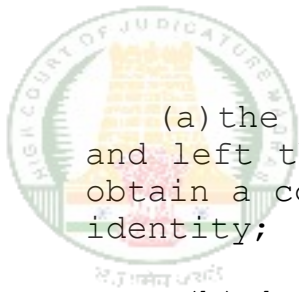
4.The learned Government Advocate(Crl. Side) would submit that the allegation against the petitioner is that when the de-facto complainant called the petitioner over phone, the petitioner along with other accused scolded the de-facto complainant in filthy language and also threatened him. He would further submit that three witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that A3 and A4 were already granted anticipatory bail and three witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.32 of 2022 before the learned Judicial Magistrate, Ottanchathiram**, without prejudice to her rights and contentions before the trial Court.

8.On such deposit being made, 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, Ottanchathiram, 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioner shall not tamper with 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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
OTTANCHATHIRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE
EDAYAKOTTAI POLICE STATION, DINDIGUL DISTRICT

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

ORDER

IN

CRL OP(MD) No.19944 of 2022

Date :14/11/2022

PKP/SSS/SAR I/22.11.2022/ 3P/ 5C