



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.20165 of 2022

Sowmiya

... Petitioner/ Petitioner /
Sole Accused

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Karur
(Crime No.24 of 2022).

... Respondent/ Respondent /
Complainant

For Petitioner : M/s.Mathiyalagan R,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.24 of 2022 on the file of the
Respondent Police

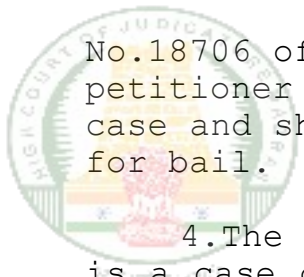
ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to
judicial custody on 16.09.2022 for the offence punishable under
Sections 406 and 420 IPC in crime No.24 of 2022, on the file of the
respondent police, seeks bail.

2.The case of the prosecution is that the petitioner received a
sum of Rs.3,50,000/- from the de-facto complainant by giving false
promise that she would arrange Government job in the Tamil Nadu
Electricity Board and thereafter, she failed to secure the job and
refused to return the said amount. It is further alleged that the
petitioner has also cheated another 14 persons to the tune of
Rs.20,20,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit
that this is the petitioner's second bail application and the
earlier application was dismissed by this Court in Crl.O.P.(MD)

<https://www.mhc.tn.gov.in/judis>



No.18706 of 2022, dated 19.10.2022. He would further submit the petitioner is innocent and she has been falsely implicated in this case and she is in judicial custody from 16.09.2022. Hence, he prays for bail.



4.The learned Additional Public Prosecutor would submit that it is a case of job racketing and the petitioner has received a sum of Rs.3,50,000/- from the de-facto complainant by giving false promise to secure Government job and she also cheated another 14 persons to the tune of Rs.20,20,000/- and the petitioner is having three previous cases, out of which, two cases are similar in nature. He would further submit that the petitioner's earlier application was dismissed by this Court in Crl.O.P.(MD)No.18706 of 2022, dated 19.10.2022. He would further submit that four witnesses have been examined and the investigation is pending. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that four witnesses have already been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Judicial Magistrate No.I, Karur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;
iv)the petitioner shall not abscond during trial.

v)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].

sd/-
15/11/2022

/ TRUE COPY /

15/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR

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

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-13036[I] dated 15/11/2022)

ORDER

IN

CRL OP(MD) No.20165 of 2022

Date :15/11/2022

SJI

MK/TR(15.11.2022) 3P 7C