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

Date : 24/11/2022

PRESENT

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

CRL OP (MD) . No.20830 of 2022

Gowthami

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Koodalpudur Police Station,
Madurai.
(Crime No.1/2021).

... Respondent/Complainant

For Petitioner : M/s.Abiya K, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.1 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and her husband have cheated a sum of Rs.1,50,000/- from the defacto complainant by giving false promise that they will provide cell phone repair machine. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are neighbours and she is an



innocent and she has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner and other accused have cheated a sum of Rs.1,50,000/- from the defacto complainant. He would further submit that in this case, investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

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

6.Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1 of 2021 before the learned Judicial Magistrate No.IV, Madurai, without prejudice to their rights and contentions before the trial Court.

7.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 No.IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
24/11/2022

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/12/2022

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

skn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRTE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ABIYA K Advocate SR.No.13703

ORDER
IN
CRL OP(MD) No.20830 of 2022
Date :24/11/2022

SP/BUC/SAR IV/15/12/2022/3P/6C