



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.383 of 2022

K.Hemalatha

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Manapparai Police Station,
Trichy District
(Crime No. 1123 of 2021).

... Respondent/Complainant

R.Sathiskumar

... Intervene Petitioner/Defacto Complainant
in CRL MP(MD) No.2499 of 2022

For Petitioner : M/s. Ramsundarvijayaraj.S.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.S.S.Sundarapandian

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

PRAYER :-

For Anticipatory Bail in Crime No. 1123 of 2021 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 420,
294(b) and 506(1) of I.P.C., in Crime No.1123 of 2021 on the file of
the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
A2 had borrowed a sum of Rs.10,00,000/- from the de-facto
complainant under the guise of giving 30% returns on monthly basis
and later, cheated him. Hence, the case.



3. Heard. Perused the materials available on record including the First Information Report.

4. There are three accused involved in this case. The petitioner is arrayed as A1. A2 is the daughter and A3 is the husband of the first accused. A2 has already arrested and released on bail and A3 has already been granted anticipatory bail by the lower Court.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the custodial interrogation of the petitioner is not required in this 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 on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Manapparai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/03/2023

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/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE
MANAPPARAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
MANAPPARAI POLICE STATION, TRICHY DISTRICT

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

+1. CC to M/S. RAMSUNDARVIJAYARAJ.S. Advocate SR.No.3718

ORDER

IN

CRL OP(MD) No.383 of 2022

Date :08/03/2023

SS/SBN/SAR II/20/03/2023/3P/6C