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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/02/2023

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD) . No.2809 of 2023

V.P.Selvasundari

... Petitioner/Sole Accused

Vs

1. State Rep.by  
The Inspector of Police,  
Surandai Police Station,  
Tenkasi District  
(Crime No.22 of 2023).

... Respondent/Complainant

(\*)2. Alka Selvi

... 2<sup>nd</sup> Respondent

(\*) (R2 is Suo-Motu Impleaded as Per  
Order of the Court dated 13/02/2023  
in Crl.OP(MD)2809 of 2023)

For Petitioner : M/s.Suresh Kumar.K,  
Advocate.

For Respondent : Mr.A.Albert James,  
Government Advocate (Crl.Side)

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

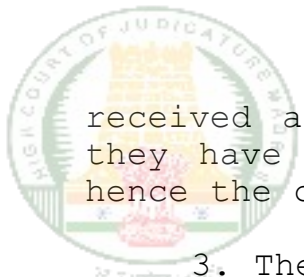
PRAYER :-

For Anticipatory Bail in Crime No.22 of 2023 on the file of the  
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands  
of the respondent police for the offences punishable under sections  
406 and 420 of I.P.C., in Crime No. 22 of 2023 on the file of the  
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant  
Alka selvi is that she is a senior citizen and that she had dispute  
with regard to the property. The further allegation is that the  
petitioner had informed that she would introduce an advocate to her  
and through him the property could be recovered and thereby she had



received a sum of Rs.4lakhs towards advocate fees and tl er they have not done anything and cheated the defacto complainant, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against her. He would further submit that the petitioner is the President of Keelapavoor Village for more than three times and other than introducing the advocate one Thiru.Mariappan who belongs to Ambasamudram the petitioner has not committed any offence. He would further submit that the petitioner has been elected as Panchayat president for three times and she only done the work as social work and she had not received any money , hence he seeks bail

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner herein who is a Panchayat President had received a sum of Rs.4,00,000/- from the defacto complainant for settling the civil dispute through an advocate and thereafter cheated her without doing any thing, hence he objected to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances of the case and also taking into consideration the submission made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Alangulam, 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 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 either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[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/-

23/02/2023

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/03/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE, ALANGULAM, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SURANDAI POLICE STATION,  
TENKASI DISTRICT.

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

+1 CC to M/s.K.SURESH KUMAR, Advocate ( SR-2843[I] dated  
24/02/2023 )

ORDER

IN

CRL OP(MD) No.2809 of 2023

Date :23/02/2023

RS/MMS/SAR-2 (07.03.2023) 3P 6C