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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

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

CRL OP(MD). No.2720 of 2023

V.Saroja

... Petitioner/Accused No.7

Vs

The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.1 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Pandian.M.,
Advocate.

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

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

PRAYER :-

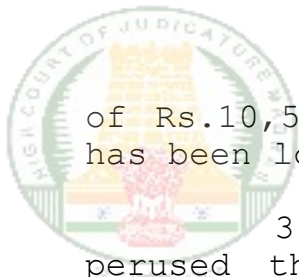
For Anticipatory Bail in Crime No.1 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 409, 418, 406, 420, 465, 468, 470, 471, 420 and 120B of I.P.C., in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused and A1, who is the appraiser of the Bank, redeemed the jewels which belonged to 11 persons, which were pledged in the Bank by using forged documents as genuine and re-pledged the same jewels in the same Bank, in the name of A2 to A7 for higher amount. It is stated that all the accused persons have misappropriated a total sum

<https://www.mca21.com.in/judis>



of Rs.10,50,000/- from the Bank and cheated. Hence, the it has been lodged by the Branch Manager of the Bank.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the petitioner is arrayed as A.7, who is none other than the mother of A.1. The first accused was the jewel appraiser, and he was working in the defacto complainant's Bank and misappropriated to the tune of Rs.10,50,000/-. As far as the petitioner is concerned, she is the mother of A.1 and she is nothing to do with the alleged occurrence therefore, custodial interrogation of the petitioner is not required, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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 No.IV, Thoothukudi, 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 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].



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

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

ps

TO

1.THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-3715[I] dated 08/03/2023)

ORDER
IN
CRL OP(MD) No.2720 of 2023
Date :07/03/2023

RK/SAR-3(15/03/2023) 3P/6C