



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2932 of 2023

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Kalaiselvi

...Petitioner / Accused No.2

-vs-

The State represented by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(in Cr.No.68 of 2023)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.68 of 2023.

For Petitioner : Mr.M.Jegadeesh Pandian

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420 and 294(b) of IPC in Crime No.68 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons have induced the de-facto complainant by promising her to secure a Government job and received a sum of Rs.7,00,000/- from him and but did not secure the job to her and when it was questioned by her, he issued three cheques and the same were dishonoured. The further allegation is the second accused has threatened the de-facto complainant and hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a financial dispute between her husband and the de-facto complainant and unnecessarily, she has been dragged-in in this case. He would also submit the petitioner's husband is also absconding. Hence, he would seek for anticipatory



bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioner is the wife of the A1 and both of them have induced the de-facto complainant on the promise of securing a job in Government and thereafter, they have received Rs.7,00,000/- and cheated her. He would oppose for grant of anticipatory bail to the petitioner.

5.In reply, the learned Counsel for the petitioner would submit that even as per the de-facto complainant, the first accused is stated to have given 3 cheque and a promisory note and further submit that the petitioner's husband, the first accused, is a Government employee.

6.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumangalam, Madurai 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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 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/-

15/02/2023

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

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To

1.The Judicial Magistrate, Thirumangalam, Madurai District.

2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2472[I] dated
16/02/2023)

ORDER

IN

CRL OP(MD) No.2932 of 2023

Date :15/02/2023

Rk/VS/SAR-II(22/02/2023) 3P 5C