



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

WEB COPY

CRL.O.P(MD)No.3244 of 2023

1.Gilda Francis

2.Aswin Brace

...Petitioners/Accused 1 and 2

-vs-

The State represented by
The Sub Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Cr.No.2 of 2023)

..Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.2 of 2023 on the file of the respondent Police.

For Petitioners : Mr.T.Saraganan, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

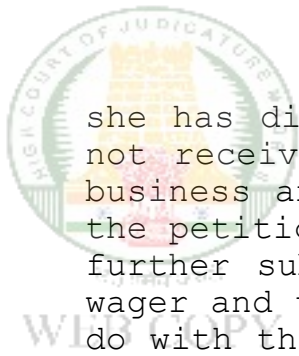
O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420 and 506(ii) IPC in Crime No. 2 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Angeline Stephy is that she has completed B.E., M.B.A., and the accused had induced her stating that she will be secured on-line job in Wipro and received Rs.2,86,000/- from her. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the first petitioner had joined in

<https://www.mca21.com/judis> online business company towards purchase of tour packages and



she has directly sent amount to the company and the petitioner as not received any amount and since she did not want to pursue with business and she has given a complaint against the petitioner as if the petitioner has received money for getting job in Wipro. He would further submit that the first petitioner's husband is only a daily wager and the second petitioner is a graduate and she has nothing to do with the alleged offence. He would further submit that if at all the defacto complainant is aggrieved, she can only lodge complaint against the persons in whose account the amount has been paid. He would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners have induced the defacto complainant on the promise of securing a job in Wipro and received Rs.2,86,000/- and cheated them and he opposes to grant anticipatory bail.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Nagercoil, on condition that the petitioners shall execute 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 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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.

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

CM
TO

1 The Judicial Magistrate No.2
Nagercoil.

2 Do Through:
The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3 The Sub Inspector of Police
Vadaseri Police Station,
Kanyakumari District.

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

+2. CC to M/S.SARAGANAN T Advocate SR.No.3335(I)

ORDER
IN
CRL OP(MD) No.3244 of 2023
Date :02/03/2023

PKP/VRS/SAR-3/(08.03.2023)/ 3P/7C