



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.4128 of 2023

Sudha ... Petitioner / Accused No.2

Vs

The State of Tamilnadu

Rep. By the Inspector of Police,
Cantonment Police Station (Crime),
Trichy City, Trichy District
(Crime.No.1144 of 2022.)

... Respondent / Complainant

For Petitioner : Mr.B.Micheal Sebastin, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1144 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, 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.1144 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as a Manager in Muthoot Finance in Karumandapam Branch, Tiruchirapalli. The first accused and her husband had been transacting with the de-facto complainant's finance company continuously. The first accused approached the de-facto complainant stating that she had pledged her jewels in Sri M.S.Finance, which is owned by the petitioner, for a value of Rs.12,00,000/- and requested him to give money to redeem her jewels from the second accused and re-pledge the said jewels with the de-facto complainant's finance company. When the de-facto complainant contacted the petitioner



herein over the phone of the first accused, the petitioner (Im to transfer money to her account that she would release the jewels pledged by the first accused. Believing her words, on 23.06.2022 at 12.00 hours, the de-facto complainant asked his branch manager to transfer the amount to the first accused' account, who in turn, transferred the money to the account of the said Sudha. Subsequently, the de-facto complainant asked the first accused that both of them would go and redeem the jewels, for which, the first accused told him that she would go and receive the jewels and thereafter, the first accused did not return and her mobile phone was switched off. Later, he came to know that the accused 1 and 2 have colluded together and cheated the de-facto complainant's finance company. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case due to the collusion between the defacto complainant and the first accused Gayathiri. Admittedly, even as per FIR, the defacto complainant had stated that there was longstanding transaction between the defacto complainant's company and the first accused. He would further submit that due to the collusion, they have fabricated the documents and the defacto complainant without receiving the jewels has released money in favour of the first accused and later, the first accused had transferred the amount which was towards the loan and taken back her jewels from the petitioner/A2 and not re-pledged it with the defacto complainant finance company and now the account of the petitioner has been freezed with the amount of Rs.7,80,000/-. He would submit that the petitioner has become a victim. He would further submit that the defacto complainant has also filed a suit in O.S.No.286 of 2022 which is pending on the file of the District Court, Trichirappalli against the first accused and the petitioner. He would also submit that the petitioner's amount of Rs.7,80,000/- has also been frozen now and the petitioner is the real victim in the case. He would pray for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that the accused had induced the de-facto complainant and had taken the money from the finance company on the assurance of paying the amount and later, they have cheated the de-facto complainant. He would further submit that a sum of Rs.7,80,000/- has been frozen in the account of the petitioner and the jewels are yet to be recovered. However, he vehemently opposed to grant anticipatory bail.

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, 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 No.II, Trichy, Trichy 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 four weeks and thereafter, on every Saturday at 10.30 a.m., 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/-
03/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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To

1.The Judicial Magistrate No.II,
Trichy, Trichy District.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Cantonment Police Station,
Trichy City, Trichy District.

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

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-3424[I] dated
06/03/2023)

ORDER

IN

CRL OP(MD) No.4128 of 2023

Date :03/03/2023

ED/BUC/SAR-3 (17/03/2023) 4P 6C