



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

PRESENT

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

CRL OP(MD)No.4218 of 2023

Padma ... Petitioner / Sole Accused

Vs

1.State rep by
The Inspector of Police,
Thirupachethi Police Station,
Sivagangai District.
In Cr.No.92 of 2022

... Respondent / Complainant

2.Sonaimuthu

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) No.3983 of 2023

For Petitioner : Mr.C.Susi Kumar, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For Intervenor : Mr.A.R.Kannappan

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

PRAYER :-

For Anticipatory Bail in Crime No.92 of 2022 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, 420 and 506(i) IPC in Crime No.92 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein received a sum of Rs.11,50,000/- from the defacto complainant by giving false promise of getting government job. Thereafter, the petitioner failed to do so. Hence, the case.

<https://www.mca.gov.in>



3. Heard and perused the materials available in the records.

4. The learned counsel appearing for the petitioner submitted that so far the petitioner repaid a sum of Rs.2,50,000/- to the defacto complainant and other persons repaid Rs.1,50,000/-. For the remaining amount, the petitioner issued cheque and the same was dishonoured. Therefore, the defacto complainant initiated proceedings under Section 138 NI Act and the same is pending before the Judicial Magistrate No.V, Madurai in STC.No.298 of 2016. He further submitted that the petitioner is ready and willing to pay 50% of the amount.

In view of the above submission, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall pay a sum of Rs.4,00,000/- directly to the defacto complainant by way of Demand Draft on or before 06.04.2023, failing which, the petition for anticipatory bail stand dismissed.

5. On filing of proof for payment, 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, Thirupuvanam 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, 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 herself 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.

WEB COPY

sd/-
10/03/2023

/ TRUE COPY /

/03/2023

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

GNS

To

1.The Judicial Magistrate,
Thirupuvanam.

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

3.The Inspector of Police,
Thirupachethi Police Station,
Sivagangai District.

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

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-4094[I] dated 13/03/2023)

ORDER
IN
CRL OP(MD) No.4218 of 2023
Date :10/03/2023

ED/CG/SAR-3 (20/03/2023) 3P 6C