



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

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PRESENT

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

CRL OP(MD). No.4318 of 2023

Sumathy

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.28/2023).

... Respondent/Complainant

For Petitioner : M/s.Selvanayagam D,
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.28/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(ii) of I.P.C., in Crime No.28 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 received a sum of Rs.2,50,000/- from the de-facto complainant by giving false promise that he would arrange Government job and thereafter, he failed to secure the job and refused to return the said amount. Thereafter, based on the complaint given by the de-facto complainant on 05.08.2022, the Superintendent of Police conducted enquiry and during such enquiry, the matter was settled and A1 had gave a sum of Rs.10,00,000/- cheque to the de-facto complainant, but the same was bounced. When the same was questioned, A1 threatened her with dire consequences. Hence, the complaint.



3. Heard the learned counsel on either side.

4. The petitioner is arrayed as A3 in this case. The entire allegations are made only as against A1 and A2. The petitioner is being the sister of A1 and A2. She has been falsely implicated as an accused in this case. Therefore, the custodial interrogation of the petitioner is not required in this case.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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.III, Tirunelveli, 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 two 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



CRL OP(MD).



23

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

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

sj i

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.SELVANAYAGAM D, Advocate (SR-3550[I] dated
07/03/2023)

ORDER
IN
CRL OP(MD) No.4318 of 2023
Date :06/03/2023

RK/SAR-1 (15/03/2023) 3P/6C