



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

Date : 13.03.2023

PRESENT

The Hon'ble Mr. Justice G.K. ILANTHIRAIYAN
CRL OP(MD).No.4682 of 2023

WEB COPY

S.Bhuvaneswari

... Petitioner/
Accused Rank Not Known

Vs.

The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(In Cr.No.389 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Rajasekar
Advocate.
For M/s.Lajapathi Roy and Associates

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.389 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the Accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant Palaniselvam lodged a complaint stating that one Balaji is his family friend and he came to know from Balaji that his relative Balasubramaniyan had acquaintance with big shots and he arranged job for several persons and he would arrange job in Courts. Beleiving his words, the defacto complainant planned to get typist job for his niece Bennial. In the month of June 2019, the defacto complainant enquired Balaji about expenditures and at that the said Balasubramaniyan was there and he told that it would cost of Rs.7 lakhs and Rs.20,000/- needs to be paid as micellaneous expenses and all such money should be paid to Balaji. The respondent police arrested the said Balasubramaniyan and upon his confession, the

<https://www.mca21.com/india>



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. The petitioner is the wife of Balasubramanian. The respondent police have arrested the said Balasubramanian and kept him in illegal detention, in respect of which, the petitioner's brother-in-law Babusriram had sent complaint to the higher authorities as well as to the State Human Rights Commission. Since the representation as to the illegal detention has been escalated to the higher officials, the respondent police implicated the petitioner and other family members in this case.

4. Heard both sides and perused the materials available on record.

5. It is seen that A1 and A2 have received a sum of Rs.7,20,000/- in order to get job in the Judicial Department for the post of Typis and they were arrested and remanded to judicial custody. Since the petitioner is being the wife of the first accused, is nothing to do with the alleged crime, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

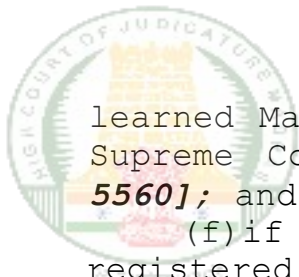
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

b) the petitioner shall report before the respondent police daily at 10.00 a.m. without fail, 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 imposed and the petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ 03 /2023

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

vsd

TO

1.The Judicial Magistrate, Karaikudi.

2. -do-Through The Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.

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

+1 CC to M/s.T.LAJAPATHI ROY AND ASSOCIATES, Advocate (SR-4142[I]
dated 14/03/2023)

ORDER
IN
CRL OP(MD) No.4682 of 2023
Date :13/03/2023

RD/BUC/SAR-III (28/03/2023) 3P 6C