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CRL OP(MD).



23

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

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5876 of 2023

Hepsiba Merlin Sofi

... Petitioner/Accused No.3

Vs

State rep. by,
The Deputy Superintendent of Police,
Economic Offences Wing II,
Madurai
Cr.No.3/2011.

... Respondent/Complainant

For Petitioner : M/S.T.Seeni Syed Amma,
for Lajapathi Roy and Associates,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

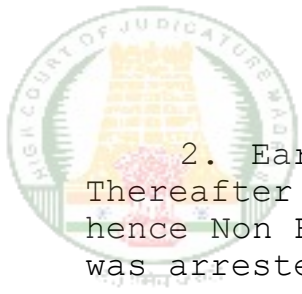
PRAYER :-

For Bail in Crime No. 3/2011 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 herein was arrested and remanded to judicial custody on 12.12.2022 for the alleged offence under Sections 406,420,120(B) of IPC and section 5 of Tamil Nadu Protection of Interest and Depositors Act (Financial Establishment) Act,1997 in Crime No.3 of 2011 on the file of the respondent police (in CC. No.6 of 2019 on the file of the learned II Additional District Judge (CBI in Charge) Madurai seeks bail.

<https://www.cbi.in/Cr.No.6/2019>



2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court, hence Non Bailable Warrant was issued on 29.11.2019. The petitioner was arrested on execution of Non Bailable Warrant on 12.12.2022.

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3. The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and due to some family dispute he was unable to appear before the trial Court, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 12.12.2022.

4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner is absconding for nearly three years and with much difficulty the respondent police secured the petitioner. Further, if the petitioner is released on bail, he may abscond again.

5. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned II Additional District Judge (CBI Cases) Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the learned II Additional District Judge (CBI Cases) Madurai on all working days at 10.30 a.m and 5.30 p.m., until further orders

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].



vi) If the petitioner/ accused thereafter absconds, a : [R
can be registered under Section 229A IPC.

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29/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The II Additional District Judge (CBI Cases) Madurai.
2. The Superintendent, Central prison, Madurai.
3. The Deputy Superintendent of Police
Economic Offences Wing II,
Madurai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.LAJAPATHI ROY AND ASSOCIATES, Advocate (SR-5060[I]
dated 29/03/2023)

ORDER
IN
CRL OP(MD) No.5876 of 2023
Date : 29/03/2023

NA/MMS/SAR- /29.03.2023/3P/6C