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CRL OP(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.03.2023

PRESENT

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

CRL OP(MD)No.8798 of 2022

Jeyasri

... Petitioner/3rd Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.5 of 2022)

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu, Advocate

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

For Intervener : Mr.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 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 406, 468, 471, 420, 120(B) and 506(i) IPC in Crime No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused received huge amount from the defacto complainant and her husband to invest the money in 'Amuthasurabhi Scheme' and thereafter, they refused to return the money. Hence, the case.



3. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervenor and the learned Additional Public Prosecutor appearing for the respondent police.

4. It is seen that there are totally 18 accused in this case and the petitioner is arrayed as A3. The petitioner and other accused collected Rs.1,29,35,000/- from the general public to invest their company and thereafter, failed to return the same. Insofar as the petitioner is concerned, she collected Rs.14 Lakhs. The other accused were granted anticipatory bail on condition that they should deposit their respective shares.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.14,00,000/- (Rupees Fourteen Lakhs only) to the credit of Cr.No.5 of 2022 before the Judicial Magistrate No.II, Sivagangai, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to her defence.

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.II, Sivagangai 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.

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

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TO

- 1.The Judicial Magistrate No.II,
Sivagangai.
- 2.Do through the Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
District Crime Branch,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.8798 of 2022
DATE :09.03.2023

NA/CG/SAR-4/21.03.2023/3P/5C