



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

Date : 09/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.8388 of 2023

WEB COPY

1.P. Kirubanantha Thayanithi

2. Manimegalai ... Petitioners/Accused No.1 &2

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District.

Crime No.18 of 2023 ... Respondent/Complainant

For Petitioner : M/s.Vijendran.P,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.18/2023 on the file of the
Respondent police.

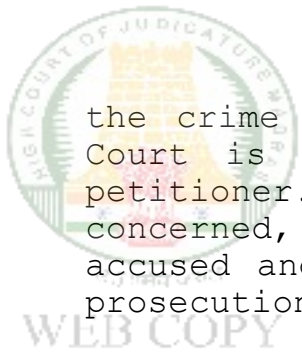
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
417, 420 and 120B of IPC, in Crime No.18 of 2023 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner, by giving
false promise to secure employment, received a sum of Rs.26,45,000/-
from the de-facto complainant. Later, cheated the de-facto
complainant. Hence, the case.

3.Heard. Perused the materials available on record including
the First Information Report.

4.It is seen that there are totally four accused in this case
and the petitioners are arrayed as A1 and A2. A2 is none other than
the wife of the first petitioner. Even according to the first
petitioner, he collected a sum of Rs.45,00,000/- from 17 victims and
handed over to the fourth accused in order to get job from various
deportment. However, the second petitioner is nothing to do with



the crime committed by the other accused persons. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner. However, in respect of the second petitioner is concerned, she is now pregnant and she is the wife of the first accused and she is nothing to do with the crime as alleged by the prosecution.

5.The learned Government Advocate (Crl. side), on instructions of the first accused, submitted that Rs.3,00,000/- had been deposited through the second petitioner's account.

6.The learned counsel for the petitioners would submit that the second petitioner is ready and willing to make some amount as imposed by this Court. He would further submit that Rs.1,00,000/- was already transferred to the victim.

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

8.Accordingly, the second petitioner shall deposit the remaining amount of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.18 of 2023 on the file of the learned Judicial Magistrate No.1, Theni District, without prejudice to her rights and contentions.

9.On such deposit being made, the second 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.1, Theni District on condition that the second 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 second 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 second 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

<https://www.mhc.tn.gov.in/jcds> the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10. Insofar the first petitioner is concerned, this petition is dismissed.

sd/-

09/06/2023

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/06/2023

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

SJI

TO

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

ORDER

IN

CRL OP(MD) No.8388 of 2023

Date :09/06/2023

RD/SBN (20/06/2023) 3P 5C