



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

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8412 of 2023

C.Latha

... Petitioner/Accused No.2

Vs

The State rep. by  
The Sub Inspector of Police,  
Crime Branch,  
Dindigul District.  
Crime No.38/2022.

... Respondent/Complainant

For Petitioner : Ms.J.Divya,  
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.38 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of I.P.C., in Crime No.38 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the wife of the first accused, is working as a nurse in the Hospital and both the accused had friendly relationship with the defacto complainant and assured that they are very close to political persons and through them, they promised and assured to get the clerk job for defacto complainant's daughter in Electricity Board, for which a sum of Rs.6,00,000/- was received by both the accused from the wife of the defacto complainant, a sum of Rs.3,00,000/- was received by the daughter of the defacto complainant and a sum of



Rs.6,00,000/- was given by the son of the defacto complainant. After receiving the sum of Rs.15,00,000/-, the petitioner along with other accused neither arranged for job nor repay the money. When the defacto complainant had asked the accused to return the money, the petitioner along with other accused threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit some reasonable amount as directed by this Court.

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

5.It is seen that there are totally two accused, in which the petitioner is arraigned as Accused No.2. Her husband is arraigned as Accused No.1. He was arrested and remanded to judicial custody. The petitioner along with the first accused collected a sum of Rs.15,00,000/- in order to get the post of clerk in the Electricity Board. Both the accused had also shown some photographs of the political leaders along with them and thereby induced the victim to send the amount. Accordingly, they received the amount and thereafter, failed to get any employment and also refused to return the money.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

Accordingly, the petitioner shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only) to the credit of Crime No.38 of 2022 on the file of the respondent Police, before the learned Judicial Magistrate No.II, Dindigul District and on such deposit, 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, Dindigul District, 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, before 12.00 p.m., until further orders.



[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]**.

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

sd/-

28/04/2023

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

PS

TO

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

+1 CC to M/s.J.DIVYA, Advocate ( SR-7027[I] dated 28/04/2023 )

ORDER

IN

CRL OP(MD) No.8412 of 2023

Date : 28/04/2023

NA/VR/SAR-2/04.05.2023/3P/6C

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