



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8460 of 2023

M.Vasanthi,

... Petitioner/Accused 1

Vs.

The State rep.by
The Inspector of Police,
D.C.B, Madurai District.
(In Crime No.8/2023).

... Respondent/Complainant

For Petitioner : M/s. Selvam.D,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

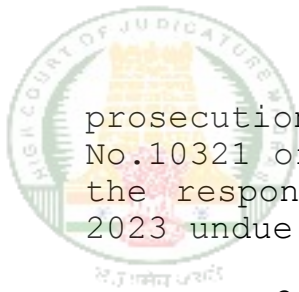
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.8/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 31.03.2023, in Crime No.8 of 2023, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner was the then Inspector of Police, Nagamalaipudukkottai police station. Based on the complaint given by one K.Arshath, a criminal case was filed for extortion of money, in Crime No.18 of 2021 for the offence under Sections, 384, 420, 409 and 506(ii) of I.P.C. The petitioner was arrested in the case and she was released on bail by this Court in Crl.O.P.(MD)No.14255 of 2021. During the pendency of the case, the petitioner and other accused approached this Court in Crl.O.P.(MD)No.14120 of 2020, to quash the charge sheet. Later, on 22.07.2023, a compromise memo was entered between the parties along with the defacto complainant. The defacto complainant filed a statement that the petitioner had not involved in the above transactions and hence, the quash petition was withdrawn on 04.08.2022. On knowing this fact, the prosecution has filed this petition to cancel the bail order, stating that the petitioner has influenced the defacto complainant and tried to quash the criminal case. This Court dismissed the petition filed by the



prosecution on 24.02.2023. Based on the order in CrI No.10321 of 2022, in CrI.O.P.(MD)No.14255 of 2021, dated 24.02.2023, the respondent police registered a criminal case in Crime No.8 of 2023 undue influence and coercive.

3. The case of the petitioner is that the petitioner was falsely implicated in the present case. The investigation in Crime No.18 of 2021 was conducted by the Deputy Superintendent of Police, District Crime Branch, and a final report was filed against the petitioner and others and the same was taken on file as C.C.No.87 of 2022. The petitioner was arrested and was released on bail by this Court. The petitioner filed a petition to quash the charge sheet. A compromise memo, dated 22.07.2023, was filed and the quash petition was withdrawn. A Petition for cancellation of bail petition was dismissed with certain direction. On the basis of the direction issued by this Court, this case was registered by the prosecution. There is no specific allegation or averment against the petitioner for tampering the witness. The petitioner is residing in Theni. The witness is a resident of Sivagangai. After the petition for cancellation of bail was filed there was no other incident reported against the petitioner. Only after 1 ½ months, the second case was registered against the petitioner. Cancellation of bail petition was dismissed by this Court. The petitioner is in custody for the past 36 days and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the mother case was registered and the same was taken on file as C.C.No.87 of 2022 on the file of the Judicial Magistrate No.I, Madurai. The petitioner herein tampered the witness by undue influence and coercion and that L.W.1 has filed a statement that the petitioner was not connected with the offence. The petitioner is trying to quash the charge sheet, later, she withdrew the quash petition. It is further stated that there are call records available, wherein, A4 has called the witness-L.W.1, in C.C.No.87 of 2022. Only on the instructions by this Court, this case was registered against the petitioner.

5. On the side of the prosecution, it is stated that the prosecution is ready to examine L.W.1 to L.W.3, on 11.05.2023. If the petitioner is released on bail, there is a chance for her to tamper the witnesses and prayed the petition to be dismissed.

6. A perusal of the records reveals that the case was registered against the petitioner in C.C.No.87 of 2021. The allegation is that A4 called L.W.1 and by way of coercion, L.W.1 has filed a statement, stating that this petitioner was not involved in the offence. It is seen that the quash petition filed by the petitioner was withdrawn, on the basis of the statement given by L.W.1 in C.C.No.87 of 2022. The respondent filed a petition for cancellation of bail and the cancellation of bail petition was dismissed by this Court, with certain observations. On the basis of



the observation made by this Court, this case was registered at the petitioner. The petitioner is in custody for the past 36 days.

7. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to released the petitioner **on bail after 11.05.2023**. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail **after 11.05.2023**, on her executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai, and on further conditions that:

(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 trial Court daily at 10.30 am, for a period of 30 days and thereafter as and when required;**

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall be present before the trial Court as and when required;

(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 accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/05/2023

/ TRUE COPY /

/05/2023

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

LS
TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE,
D.C.B,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. K.NATESHPANDI, Advocate SR.No.7206

ORDER

IN

CRL OP(MD) No.8460 of 2023

Date :04/05/2023

SA/SSS/SAR.4/08.05.2023/4P/7C