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CRL OP(MD).



23

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

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8767 of 2023

M.Stella Baby,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
(Crime No.200 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sridhar.M, Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

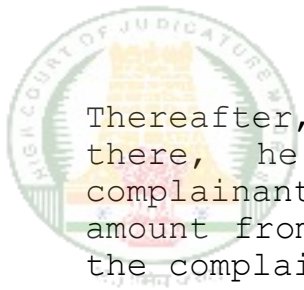
For Anticipatory Bail in Crime No.200 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of IPC, in Crime No.200 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having qualification for civil engineer. For the purpose of securing the job at Omen, he approached the petitioner. The petitioner is a proprietor of Aakash Tour and Travels and obtained necessary license from the ministry of overseas Indian affairs. By agreeing the same, she also collected a sum of Rs.1,29,800/- from the complainant towards service and flight ticket charges.

<https://www.mca.gov.in/>



Thereafter, the defacto complainant went Omen on 07.02.2023 at there, he was offered only coolie job. Hence, the defacto complainant returned to India on 23.02.2023 and also demanded said amount from the petitioner. But, she refused to pay the same. Hence the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that she only arranged interview for the petitioner at Omen.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is having qualification for civil engineer. But, he was offered only coolie work at Omen. Hence, the petitioner cheated the defacto complainant.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.200 of 2023**, without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledge before the trial Court.

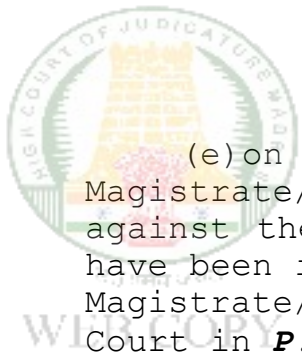
7.On such deposit being made, the petitioner are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-4, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police every Wednesday at 10.30 am., for a period of two months and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/05/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE NO.4 TIRUNELVELI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY

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

+1 CC to M/s.M.SRIDHAR, Advocate (SR-7514[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.8767 of 2023
Date :18/05/2023

PKP/CG/SAR- /23.05.2023/ **3P/6C**