



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

Date : 06/06/2023

PRESENT

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

CRL OP(MD) . No.9752 of 2023

Sujatha

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Fort Police Station,
Trichy City.
Crime No.1201/2022.

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

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

For Intervenor : Mr.B.Deepak,
Advocate.

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

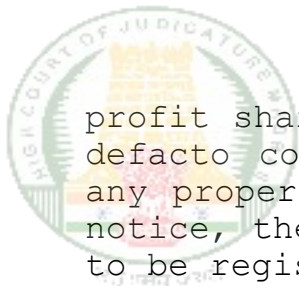
PRAYER :-

For Anticipatory Bail in Crime No.1201/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 417 and 420 of IPC in Crime No. 1201 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.03.2018 there was a business agreement for jewel business between the defacto complainant and the first accused, for which the defacto complainant has given Rs.40,00,000/- to the accused persons as his share and the first accused agreed to give profit share amount to him every year. On 05.01.2019 the first accused gave a sum of Rs.1,00,000/- as



profit share and thereafter he has not given any money and the defacto complainant asked for the same, the first accused did not any proper response and by making false allegation has sent legal notice, thereby cheated the defacto complainant, hence the case came to be registered.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A2. According to the case of prosecution the defacto complainant invested a sum of Rs.40 with the first accused inorder to invest the same in business to share profit. Subsequently the first accused failed to give share profit and also failed to join him in the business as partner. The petitioner herein is the wife of the first accused and she has nothing to do with the alleged offence. Taking into consideration all the above and facts and circumstances this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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.I, Trichy 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 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 himself as laid down by the Hon'ble Supreme Court in P. K. Shaji vs. State of Kerala [(2005) AIR SCW 5560].



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[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.

AAV

TO

1. The Judicial Magistrate No.I, Trichy.
2. Do through the Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
Fort Police Station,
Trichy City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.9752 of 2023

Date : 06/06/2023

NA/BUC/SAR- /12.06.2023/3P/5C