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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10944 of 2023

Alagurani

... Petitioner/Accused No.3

Vs

The state rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.12 of 2023).

... Respondent/Complainant

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

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2023 on the file of the Respondent Police.

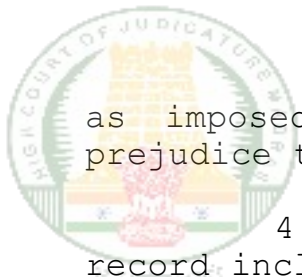
ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 417, 420 and 120B of I.P.C., in Crime No. 12 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner and other accused cheated the defacto complainant, for getting Government Job and they received a sum of Rs.3,65,000/- from the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. A1 and A2 have already got bail before the lower Court.

However, the petitioner is ready and willing to deposit some amount



as imposed by this Court, only to show her bonafide, it
prejudice to her rights and defence.

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

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5. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A3. The accused persons collected money from general public in order to get job and cheated to the tune of Rs.12,33,000/-. In so far as the petitioner is concerned, she received a sum of Rs.3,65,000/- in order to get Government Job. However, no job is obtained for victims and also refused to return the amount.

6. Taking into consideration of the facts and circumstances of the case and that the petitioner, to show his *bona fides*, is ready and willing to deposit Rs.3,65,000/- (Rupees Three Lakhs Sixty Five Thousand only) to the credit of Crime No.12 of 2023 before the Judicial Magistrate, Theni, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni, 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 deposit a sum of Rs.3,65,000/- (Rupees Three Lakhs Sixty Five Thousand only) to the credit of Crime No.12 of 2023 before the Judicial Magistrate, Theni, at the time of furnishing sureties.

[c] the 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].
[g] If the accused thereafter absconds, a fresh FIR can be
registered under Section 229A IPC.

sd/-

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

TO

1. THE JUDICIAL MAGISTRATE,
THENI.
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.

+1. CC TO M/S.M.PANDIAN ADVOCATE SR.NO.9157.

ORDER

IN

CRL OP(MD) No.10944 of 2023

Date :20/06/2023

SI/VS/ (26.06.2023) 3P/ 6C