



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/02/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.13744 of 2022

Sathiya Priya

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram,
Ramanathapuram District.
Crime NO.8 of 2020

... Respondent/Complainant

Udhaya Kumar

... Petitioner/Intervener
In CrI.MP(MD).9512/2022
In CrI.OP(MD).13744/2022

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

For Respondent : Mr.A.ALBERT JAMES,
Government Advocate (CrI.Side)

For Intervenor : Mr.A.ABDUL KABUR, Advocate

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

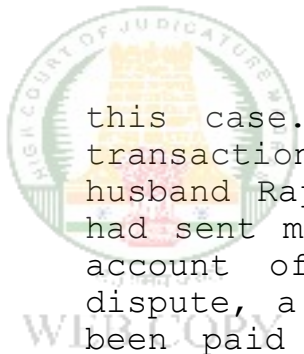
PRAYER :- For Anticipatory Bail in Crime No.8/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 r/w Section 120(B) of I.P.C., in Crime No.8 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Udayakumar, is that the first accused Sathyapriya and her husband Rajasekar are known to him and that they have induced the de-facto complainant that they will be getting a job for him in Railway Department and had received an amount of Rs.6,79,000/- and thereafter, cheated the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in



this case. He would further submit that there was a transaction between the de-facto complainant and the petitioner's husband Rajasekar and that based on that, the de-facto complainant had sent money to the account of the petitioner as well as to the account of her husband and other relatives, whereas due to a dispute, a false complaint has been given, as if, the amounts have been paid for securing job in the Railway Department. He would further submit that initially in the case, the de-facto complainant apart from adding the petitioner, had also added seven other accused, who are related to the petitioner to whom, the de-facto complainant had sent money on various occasions, whereas, after investigation, the respondent has filed a final report only as against the petitioner, her husband Rajasekar and one Chandrasekar. He would further submit that the petitioner to show her *bona fides*, is ready and willing to deposit the original title deeds of immovable property worth of Rs.3,00,000/- either belonging to herself, friends or relatives to the credit of Crime No.8 of 2020 on the file of the learned Judicial Magistrate No.II, Ramanathapuram. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner and her husband and her relatives have induced the de-facto complainant on the promise of securing a job in the Railway Department and had taken an amount of Rs.6,79,000/- and thereafter, cheated the de-facto complainant. He would further submit that initially, the de-facto complainant had named 8 accused in this case, the respondent after completion of investigation has filed a final report as against the petitioner, her husband Rajasekar and one Chandrasekar. He would further submit that some of the accused in the FIR, have been deleted and the learned Judicial Magistrate has issued notice to the de-facto complainant for filing a protest petition. He would further submit that the petitioner along with the other accused had cheated him to the tune of Rs.6,79,000/- and the respondent had dropped certain accused, the de-facto complainant has filed a protest petition and it is pending and he would object for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that the first accused Sathyapriya and her husband Rajasekar are known to him and that they have induced the de-facto complainant that they will be getting a job for him in Railway Department and had received an amount of Rs.6,79,000/- and thereafter, cheated the de-facto complainant and he would object for grant of anticipatory bail.

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

7.Taking into consideration of the facts and circumstances of the case and that the petitioner, to her *bona fides*, is ready and willing to deposit the original title deeds of immovable property worth of Rs.3,00,000/- either belonging to herself, friends or



relatives to the credit of Crime No.8 of 2020 before the learned Magistrate, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

8. 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.II, Ramanathapuram, 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 the original title deeds of immovable property worth of Rs.3,00,000/- (Rupees Three Lakhs Only) either belonging to herself, friends or relatives to the credit of Crime No.8 of 2020 before the learned Judicial Magistrate No.II, Ramanathapuram at the time of furnishing sureties.

[c] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of one week and thereafter, on the date fixed by the learned Trial Judge.

[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 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].

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

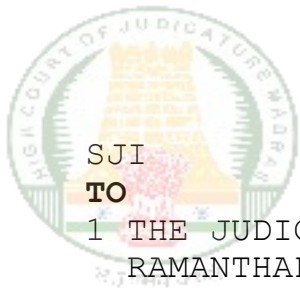
sd/-

01/02/2023

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



SJI
TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANTHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S. SENTHIL.D Advocate SR.No.1650

**ORDER
IN**

CRL OP(MD) No.13744 of 2022
Date :01/02/2023

SA/SAR.1/13.02.2023/4P/6C