



CRL OP(MD). No.12814 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12814 of 2023

Prabha

... Petitioners/ Accused No.2

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
Crime No.37/2023.

... Respondent/ Complainant

For Petitioners : M/s.K.P.Narayanakumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.37/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections 120(b), 406, 420



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IPC in Crime No.37 of 2023 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the petitioner's husband one Martin Bose / first accused along with the third accused received money from the defacto complainant assuring job in abroad, but failed. Thereby cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case was foisted against her, since she is the wife of the first accused. Hence, prays to release her on anticipatory bail.

4. The learned Additional Public Prosecutor would submit that it is a case of job racketing and the accused persons have collected a sum of Rs.10,50,000/- from the victims and the amount was not yet recovered.

5. A perusal of the entire CD file does not indicate that the money that has been given by the victims has been transferred to the account of this petitioner. All the allegations have been made against the first accused and in turn, the amount was transferred to the account of the first accused by the third accused. Even during the course of investigation, the first accused moved to this Court by way of a Criminal Original Petition and he was directed to appear before the respondent. He appeared before the respondent and gave a statement. The Bank statement of



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account of Accused Nos.1 and 3 have been seized. But so far as the account of this petitioner is concerned, with regard to the money transfer, no allegation have been made by any of the victims against the petitioner. The earlier petition for anticipatory bail was dismissed by this Court, only for the reasons that this petitioner had approached this Court along with the first accused. Taking note of the fact that this is a case of job racketing the earlier petition was dismissed.

6. Considering the fact that eventhough the petitioner is the wife of the first accused, she has no way connected with the issue between the first accused and the third accused and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period



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of 15 days from the date on which the order copy made ready, failing which, the
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petition for anticipatory bail stands dismissed.

sd/-
14/07/2023

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/07/2023

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

PNN
TO

1 THE JUDICIAL MAGISTRATE NO.I,NAGERCOIL.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.NARAYANAKUMAR.K.P Advocate SR.No.34308(F)

ORDER
IN

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Date :14/07/2023

PKP/DD/SAR- /25.07.2023/ 4P/6 C

Madurai Bench of Madras High Court is issuing certified
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