



CRL OP(MD). No.17527 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17527 of 2023

Devisathiyabama

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
Crime No.127 of 2023..

... Respondent/Complainant

For Petitioner	:	M/s.A.Jeyaram, Advocate.
For Respondent	:	Mr.S.Ravi, Additional Public Prosecutor
For Intervenor	:	Mr.R.Suriyanarayanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.127 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in

Crime No.127 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that A1, who is the husband of the petitioner herein / A2, has received a sum of Rs.11,00,000/- from the defacto complainant for delivering the Ashok Leyland Tipper Lorry, and subsequently, failed to deliver the same. Hence, the complaint.

3. The learned counsel appearing for the petitioner would contend that since the petitioner is a wife of A1, she has been falsely implicated in this case. He would further submit that the petitioner is working as a Headmaster in Government School and already that there was a matrimonial dispute between the petitioner and A1 and hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner's husband is doing vehicle selling business and that he has received a sum of Rs.11,00,000/- from the defacto complainant and subsequently, cheated him. He would further submit that defacto complainant has contacted over phone to the petitioner and that the investigation of the case is pending and hence, hence he objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that there is no specific overt act attributed against the petitioner and that A1 is only main accused, this Court is inclined to grant anticipatory bail to the petitioner, subject to



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the following conditions:

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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 No.I, Dindigul 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police once in a week i.e., on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

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

[d] 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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[e] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-

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/10/2023

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JEYARAMAN, Advocate (SR-14567[I] dated 03/10/2023)

ORDER IN
CRL OP(MD) No.17527 of 2023
Date :29/09/2023

RS/DD/SAR-(04.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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