



CRL OP(MD)No.19527 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19527 of 2023

Chitra Devi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(In Crime No.275 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.MANIKANDAN, Advocate

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.275 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the

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offences punishable under Sections 468, 406 & 420 IPC in Crime No.275 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner received a sum of Rs.4,70,000/- from the defacto complainant by promising that she will arrange job in commercial tax department and she also issued fake interview letter and appointment order. Thereafter, the defacto complainant came to know that the appointment order is a fake one. When the same was questioned by the defacto complainant, the petitioner did not respond well. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner by giving false promise of getting job, received a sum of Rs.4,70,000/- and thereafter, failed to arrange job. He would further submit that the investigation in this case is pending.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that (*)“the petitioner shall deposit a sum of Rs.4,70,000/-(Rupees Four Lakhs and Seventy Thousand only) to

the credit of Cr.No.275 of 2023 before the learned Judicial Magistrate No.I, Sivakasi,

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Virudhunagar District, within a period of two weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand cancelled automatically. After such deposit, the learned Magistrate shall return the deposited amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant and that if the petitioner succeeds in the trial, she is entitled for refund of the said amount.”

6.On such deposit, 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, Sivakasi, Virudhunagar District 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 trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during



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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].

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

sd/-
02/11/2023

(*)Modified as per order of this court dated 23/01/2024 in CRL MP(MD)No. 390 OF 2024 in CRL OP(MD)No. 19527 of 2023 by MDIJ

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 02/11/2023 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE COURT NO.I,
SIVAKASI, VIRUDHUNAGAR DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.A.MANIKANDAN, Advocate (SR-1054[I] dated 24/01/2024)

ORDER
IN

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Date :02/11/2023

SA/DD/SAR. /22.11.2023/5P/6C

SSB

PKP/JGB/SAR /31.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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