



CRL OP(MD)No.19745 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19745 of 2023

A.M.Samundeeshwari

... Petitioner/Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.6 of 2023)

... Respondent/Respondent/De-Jure Complainant

Srikanth

...Petitioner/Intervener/ Defacto Complainant
in Crl MP(MD)No. 15880 of 2023

For Petitioner : Mr.R.Saravana Kumar,Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

For Intervenor : Mr.M.A.M.Raja,Advocate
In Crl MP(MD)No. 15880 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 and 120(b) IPC in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 is the husband and wife. The petitioner herein and A4 are the sisters of A1. On the information of the petitioner and her sisters, the defacto complainant, his father and his elder brother are prepared to purchase the land situated at Vadaveera Naickenpatti, Periyakulam Taluk, Theni District from one Mr.Kannan for a sum of Rs.60,00,000/-. The sale amount was given to the said Kannan through the Bank account of the petitioner and her sisters. The sale deed was registered in the name of the defacto complainant's father. Later, the defacto complainant came to know that the above said land is panchami land and the accused persons cheated the defacto complainant. That apart, the accused persons received huge amount from the defacto complainant to make him as a partner in the petrol bulk business and there is no such petrol bulk. Hence, the case.



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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 Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is not yet completed. He produced the statement of one Thirukumaran, who is the driver of the petitioner herein.

5.On perusal of statement of the above said Thirukumaran, it is revealed that on the request of the petitioner herein, a savings account has been initiated in his name and in that account cheque in the name of Srividhya was presented for collection for a sum of Rs.13,00,000/-. No amount was stands in the name of the petitioner herein and she has not received any amount.

6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)

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4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residence at Madurai District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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 is made ready, before the learned Judicial Magistrate, Theni on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 :

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[a] the petitioner shall affix her photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of her Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during 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/-
21/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS
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.R.SARAVANA KUMAR, Advocate (SR-16635[I] dated 21/11/2023)

ORDER
IN

CRL OP(MD) No.19745 of 2023
Date :21/11/2023

PKP/JGB/SAR- /30.11.2023/ 6P/ 6C
Madurai Bench of Madras High Court is issuing certified
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