



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/01/2023

PRESENT

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

CRL OP(MD) . No.22848 of 2022

1. Panchavarnam
2. Sundaram ... Petitioners/Accused 4 & 5

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch, Madurai District.
Crime No.1 of 2018. ... Respondent/Complainant

For Petitioners : M/s.Mahendrapathy S, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.1 of 2018 on the file of the Respondent Police.

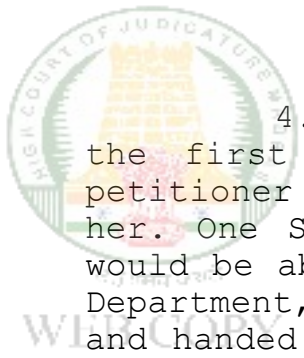
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 406, 420, 294(b), 506(i) of I.P.C, in Crime No.1 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Ganapathy is that the accused had received money from him and several other persons to the tune of Rs. 30 lakhs, in the guise of obtaining jobs in Railways Department and Social Welfare Department as Noon-meal Organizer and cheated the defacto complainant and other victims. Hence, the complaint.

3.During the pendency of the petition, the second petitioner was arrested by the respondent Police on 19.12.2022. Hence, this petition is dismissed in respect of the second petitioner.

<https://www.mhc.tn.gov.in/judis>



4.The learned counsel for the petitioners submit at the first petitioner is the wife of A5, Sundaram. The first petitioner is innocent and a false case has been foisted against her. One Santhosam/A1, who is known to A5 had induced A5 that he would be able to get jobs in Social Welfare Department and Railways Department, thereby, they had collected amounts from various persons and handed over it to the said Santhosam/A1. Since the husband of first petitioner had received the money from the victims, the villagers had pressurised them to execute a settlement deed, agreeing to repay the amount, on behalf of A1. On the complaint given by the defacto complainant, the case has been registered during the year 2018. The main accused have already been arrested and enlarged on bail. This is the second petition for anticipatory bail. Earlier anticipatory bail petition was filed by the first petitioner along with her husband/second petitioner in Crl.OP(MD) No.2886 of 2019 and the same was dismissed as withdrawn, on 27.02.2019. Later, during the pendency of this petition, the second petitioner was arrested by the respondent on 19.12.2022 and he has been enlarged on bail as per the order of learned Principal Sessions Judge, Madurai in Crl.MP.No.96 of 2023, dated 05.01.2023. Hence, prays to release her on anticipatory bail.

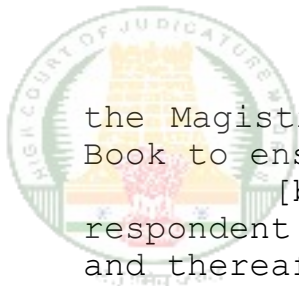
4.The learned Government Advocate (Crl.Side) submitted that the accused persons had induced the defacto complainant and several other victims that they would be able to secure jobs in Social Welfare Department as Noon-meal Organizer and in Railways Department and thereby, received a sum of Rs.30 lakhs and cheated the victims. The first petitioner is arrayed as A4 in this case. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the co-accused have already been enlarged on bail, this Court is inclined to grant anticipatory bail to the first petitioner alone with certain conditions.

7.Accordingly, this Criminal Original Petition is partly allowed and the first petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Madurai**, on condition that the first 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 first 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 I Book to ensure their identity.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the first petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the first 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 first petitioner in accordance with law, as if the conditions have been imposed and the first 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]**; and;

[f] if the accused/ first petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/01/2023

/ TRUE COPY /

/02/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.

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

+1. CC to M/S.MAHENDRAPATHY S Advocate SR.No.1395.

ORDER

IN

CRL OP(MD) No.22848 of 2022

Date :25/01/2023

PNM

MK/SAR-II(04.02.2023) 3P 6C