



CRL OP(MD) No.1194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1194 of 2024

1 G.SELVI

2 R.SUSEELA

... PETITIONERS / ACCUSED No.2,3

Vs

THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI

CRIME NO.252/2023

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.JOSEPH JERRY Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.252/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police
for the alleged offence under Sections 420, 466, 468, 471, and 473 of IPC in Crime
No.252 of 2023, seek anticipatory bail.



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2.The case of the prosecution is that the first accused was already impleaded in a criminal case in Crime No.1213 of 2021, for which he obtained anticipatory bail before this Court in Crl.O.P(MD) No.9047 of 2023, dated 18.05.2023. For giving sureties, he produced Solvency Certificates in the name of A2 and A3. Subsequently, it was found that the sureties documents produced by the petitioners herein before the learned Judicial Magistrate, Uthamapalayam were fake. Hence, this case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are A2 and A3. The petitioners have not committed any offence as alleged by the prosecution and the Solvency Certificates were preferred by A1, for which the petitioners are not responsible. However, the learned counsel for the petitioner, on instructions, submitted that the petitioners are ready to produce the Solvency Certificates in their names. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that investigation in this case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that petitioners are being women and the entire allegation is only against A1,



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this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two Government servants' 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation;



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(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2024

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/02/2024

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

CP

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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3 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI

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

+1 CC to M/s.A.JOSEH JERRY, Advocate (SR-1230[I] dated 31/01/2024)

ORDER

IN

CRL OP(MD) No.1194 of 2024

Date :29/01/2024

SS/GS/SAR- /05/02/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023