



CRL OP(MD) No.2538 of 2024

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

Monday, the Nineteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2538 of 2024

DEVIPRIYA

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT,
(CRIME NO.273/2023)

... Respondent / Complainant

For Petitioner : M/s.C.Susi Kumar, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.273/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent
police for the alleged offence punishable under Sections 406, 420 IPC in Crime



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No.273 of 2023 seeks anticipatory bail.

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2.The case of the prosecution is that the accused persons received a sum of Rs.12,28,955/- from the defacto complainant for securing a Government job. Thereafter, they failed to secure the job and also refused to return the money. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner herein is the wife of A1 and hence, she has been implicated in this case. However, he would fairly submit that without prejudice to the rights and contentions of the petitioner before the trial Court, she is ready and willing to draw a Demand Draft for a sum of Rs.5,00,000/- in favour of the defacto complainant. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt



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of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 and on further condition that:

(a)if the petitioner 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)as per undertaking given by the petitioner, the petitioner shall draw a Demand Draft for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in favour of the defacto complainant, without prejudice to her rights before the trial Court, within a period of two weeks from the date of receipt of a copy of this order and shall produce proof before the learned Magistrate while executing sureties;

(c)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;

(d)the petitioner shall report before the respondent police as and when required;

(e)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;

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

sd/-
19/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate,
Karaikudi.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.



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3.The Inspector of Police,
North Police Station,
Karaikudi, Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-2132[I] dated 20/02/2024)

ORDER
IN
CRL OP(MD) No.2538 of 2024
Date :19/02/2024

ED/ GS /SAR- (28/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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