



CRL OP(MD). No.5345 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Sasikala,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.23 of 2023).

... Respondent/Complainant

For Petitioner : Mr.V.SASI KUMAR,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

For Intervenor : Mr.SAMUVEL GUNASINGH, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.23 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police in connection with Crime No.23 of 2023 for the offence under Sections 120(B), 406 and



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420 and 506(1) of IPC, has filed this petition.

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2.The case of the prosecution is that there was a business transaction between the parties, on which, the defacto complainant supplied yarn to the petitioner and her husband worth about Rs.52,00,000/-, for which, they paid Rs.15,51,690/- and thereafter, they failed to pay the balance amount. Hence, the case.

3.The case of the petitioner is that the petitioner did not commit any offence as alleged by the prosecution. The petitioner and her husband have also filed an application before the trial Court to declare them as insolvents. Therefore, anticipatory bail may be granted to the petitioner in Crime No.23 of 2023.

4.The learned counsel for the intervenor submits that the petitioner along with A1 from the inception with an intention to cheat the defacto complainant have collected money. According to him, they were bankrupts in the year 2021. However suppressing the same, they have received yarn from the defacto complainant to the tune of Rs.52,04,430/-.

5.The learned Additional Public Prosecutor submits that there was a business transaction dispute between the parties, the defacto complainant supplied yarn to the petitioner and her husband worth about Rs.52,00,000/-, for which, they paid Rs.15,51,690/- and later, they failed to pay the balance amount. Investigation is yet to be completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



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6. Considering the facts and circumstances of the case and also considering the fact that the petitioner and A1 have also filed an application before the trial Court for declaring them as insolvents, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and 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 of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, and on further conditions that:

(i) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(ii) The petitioner shall appear before the respondent police daily at 10.30 am until further orders. She has to co-operate for the investigation.

(iii) The petitioner shall not misuse the liberty granted to her by indulging in any further offence and shall not tamper with the prosecution witnesses.



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(iv) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
05/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

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

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

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

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-4212[I] dated 05/04/2024)



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ORDER

IN

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Date :05/04/2024

SA/GS/SAR. /15.04.2024/5P/6C

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