



CRL OP(MD).No.8434 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8434 of 2024

Sofia Thenmozhi @ Thenmozhi

... Petitioner/ Accused No.2

Versus

The State
Rep. by the Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(Crime No.568/2024)

... Respondent/Complainant

For Petitioner : Mr.D.Ramesh Kumar
Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.568 of 2024 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

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The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.568 of 2024, for the offence under Sections 408, 420, 468 and 471 IPC, has filed this petition seeking anticipatory bail.

2. The petitioner is arrayed as A2 and she is the wife of A1. The case of the prosecution is that the defacto complainant is running a Petrol bunk, in which, the 1st accused, who was working as an Accountant, has misappropriated a sum of Rs.25,00,000/- and transferred the said amount to the bank account of his wife/petitioner. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the marriage between the petitioner and first accused was solemnized in the year 2012 and they are living separately from 2018. The petitioner has also filed a divorce petition and the same is pending in IDOP No.25 of 2020. In fact, the first accused has sent some amount to the petitioner for maintenance of the child. But, the petitioner was not aware that the amount, which has been transferred by her husband in her bank account, is a misappropriated amount or for maintenance of the child. He further submits that the petitioner is working in Chennai.



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4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. Considering the nature of allegation and also considering the fact that the petitioner has already filed a divorce petition as against her husband/ A1 in the year 2020 and the alleged occurrence is said to have taken place in the year 2023 and the petitioner is working in Chennai, this Court is inclined to grant anticipatory bail the petitioner.

6. Accordingly, this Criminal Original Petition is ordered 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 on condition that

(i) the petitioner executes 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, Madurai.

(ii) 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;



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(iii) The petitioner shall appear before the respondent police as and when required for interrogation. She has to co-operate for the investigation.

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

(v) 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/-
10/06/2024

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/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
THIRUPPALAI POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.8434 of 2024
Date :10/06/2024

RK/JGB (14/06/2024) 5P / 5C

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