



CRL OP(MD). No.21351 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Kayathri

... Petitioner/ Accused No.4

Vs

**State of Tamil Nadu,
The Inspector of Police,
DCB Police Station,
Virudhunagar District.
(In Crime No.04 of 2024).**

... Respondent/ Complainant

For Petitioner : Mr.R.Babu Jaganath,

**For Respondent : Mr.S.Ravi,
Additional Public Prosecutor**

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.04 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 13.11.2024 for the offences under Sections 120(b), 406, 420, 294(b), 506(i) IPC in Crime No.4 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant was approached by A1 by stating that A1 can get a job in the High Court. Believing them the defacto complainant had parted with a sum of Rs.42,00,000/-. There are totally 6 accused persons in this case and the petitioner has been arrayed as A4.

3.The learned counsel for the petitioner submitted that it is only A1, who had received the entire amount and A1 was later, enlarged on statutory bail. He further submitted that the petitioner has been falsely roped in the case and she has no role to play and she happens to be the wife of A6.

4.The learned Additional Public Prosecutor submitted that this petitioner is the wife of A6 and she is a Government servant. She played a major role in this case along with A6 and during the course of investigation, it came to light that Rs.54,75,000/- has been cheated by the accused persons. He further submitted that

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this petitioner had received Rs.2 lakhs through bank transaction. He vehemently opposed grant of bail to the petitioner.

5.The learned counsel for the defacto complainant submitted that this petitioner has also played an active role by introducing the defacto complainant to A1. The defacto complainant is now left high and dry and there is no recovery of money.

6.This Court carefully considered the submissions on either side and perused the materials available on record.

7.This petitioner is the wife of A6. She is said to have been arrested and remanded to judicial custody on 13.11.2024. In this case, A1 was enlarged on statutory bail. A5 was granted anticipatory bail. A6 was granted bail by this Court. A3 is absconding. This petitioner has received a sum of Rs.2 lakhs and the same is borne out by bank entries.

8.Taking into consideration the facts and circumstances of the case and considering the fact that the husband of the petitioner, namely A6 was enlarged on



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bail by this Court in Crl.O.P(MD) No.19539 of 2024, by order, dated 12.11.2024 and the petitioner has suffered incarceration from 13.11.2024, this Court is inclined to grant bail to the petitioner with certain conditions:

9. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing 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 learned **Judicial Magistrate No.II, Virudhunagar**, and on further conditions that:-

[a] 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 Bank pass Book to ensure their identity;

[b] the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Cr.No.4 of 2024 on the file of respondent Police before the learned Judicial Magistrate No.II, Virudhunagar District, without prejudice to her rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., until further orders;



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

[e] the petitioner 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-

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

PNM

TO

1. The Judicial Magistrate No.II, Virudhunagar
2. The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.



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3. The Superintendent, District Central Prison, Madurai

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4. The Inspector of Police,
DCB Police Station,
Virudhunagar District.

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

+1CC to M/s.R.Babu Jaganath, Advocate SR.14976 dated 05/12/2024

ORDER

IN

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Date :05/12/2024

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