

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL ORIGINAL PETITION No.20757 of 2017

M.BHUVANESHWARI,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CCB-EDF, VEPERY, CHENNAI.
CR.NO.88 OF 2017.

For Petitioner : M/S.M.S.GOVINDARAJAN Advocate

For Respondent : MR.R.SEKAR, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This petition has been filed to release the petitioner on bail, as he was arrested and remanded to judicial custody on 07.09.2017, because of her failure in complying with the conditions imposed by this Court, while granting anticipatory bail to the petitioner along with the co-accused, by order dated 27.06.2017.

2. The petitioner apprehending arrest from the hands of the respondent police for the alleged offences punishable under Sections 408, 465, 468 and 477A of IPC in Crime No.88/2017, had approached this Court along with co-accused by filing two separate Criminal Original Petitions, namely, Crl.O.P.Nos.6910/2017 and 6911/2017.

3. This Court, by a common order in the said Criminal Original Petitions, on 27.06.2017, while granting anticipatory bail to the petitioner and the co-accused, has imposed certain conditions. One such condition is that the petitioners i.e., the petitioner herein and the co-accused shall furnish title security to the value of Rs.30,00,000/- [Rupees thirty lakhs only] to the credit of Crime No.88/2017 before the concerned Magistrate within a period of three weeks.

4. Mr.M.S.Govindarajan, learned counsel appearing for the petitioner would state that, though such condition was imposed and it was to be jointly executed both by the petitioner as well as the other co-accused who is A1, the petitioner could not execute the said

condition and therefore, she was arrested on 07.09.2017 and has been in judicial custody.

5. Learned counsel appearing for the petitioner would also state that the petitioner's marriage engagement was performed on 03.09.2017 and according to the petitioner, the marriage has been fixed to be held on 27.10.2017. Learned counsel further submitted that the petitioner being a lady and as her marriage has already been fixed to be held on 27.10.2017, this petition may be considered on that ground also.

6. I have heard the learned Government Advocate [Crl. Side] appearing for the respondent, who would state that though it was a joint condition for both the petitioner and the co-accused by the earlier order of this Court, it is the duty of the petitioner to comply with the condition and since the said condition has not been complied with by the petitioner, she has been arrested and remanded to judicial custody.

7. I have considered the said submissions made by both sides. All the aforesaid facts are not in dispute.

8. Though the said condition imposed by the earlier orders of this Court compelling both the petitioner as well as the other accused to execute a property security worth about Rs.30,00,000/- and even though the petitioner was ready and willing to execute the same, since A-1 has not co-operated, according to the learned counsel appearing for the petitioner, the petitioner was not in a position to execute the property security as directed by this Court and thereby, the condition imposed by this Court could not be complied with.

9. Now, the learned counsel appearing for the petitioner would state that whatever condition is imposed by this Court, this petitioner is ready and willing to comply with the same and also her marriage going to be performed next month, may also be taken into account.

10. In view of the abovesaid facts and circumstances and the submissions made by the learned counsel appearing for the petitioner, I am inclined to pass the following order :-

(i) The petitioner shall be released on bail on her executing a property security worth about Rs.10,00,000/- (Rupees Ten Lakhs only) to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore to the credit of Crime No.88/2017 and on executing a bond for a sum of Rs.25,000/- [Rupees twenty five thousand only] with two sureties each for a likesum to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore, out of which, one must be a Government surety and

(ii) The petitioner shall report before the respondent police as and when required, as the petitioner has to undertake the preparation for her marriage, which has already been fixed.

-sd/-
27/09/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON[WOMEN] PUZHAI

4 STATE REP. BY
THE INSPECTOR OF POLICE,
CCB-EDF, VEPERY, CHENNAI.

+2 CC to M/S.M.S.GOVINDARAJAN Advocate on payment of necessary charges SR.NO. 18703

CRL OP.20757/2017

Date :27/09/2017

RD 27/09/2017