

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.2141 of 2017

SERLIN SHEEBA,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,

CITY CRIME BRANCH,

OFFICE OF THE COMMISSIONER OF POLICE,

COIMBATORE DISTRICT.

CR.NO.37 OF 2016.

For Petitioner : M/S.N.CHANDRASEKARAN Advocate

For Respondent : MR. E.RAJA, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent-Police for the alleged offences punishable under Sections 409 and 420 IPC in Crime No.37 of 2016 on the file of the respondent-Police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The earlier petitions seeking anticipatory bail filed by the petitioner stood dismissed on 23.08.2016 in CrI.O.P.No.17880 of 2016 and on 15.11.2016 in CrI.O.P.No.21670 of 2016.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the respondent-Police.

4. The case of the prosecution is that the petitioner and her husband were running business in the name and style of "Chola Promoters" and made advertisement in the newspapers and television that even if money is paid in instalments, plots will be registered in their favour. Believing the same, the de-facto complainant paid a sum of Rs.50,000/- as advance in respect of the Plot Nos.216 and 217 in "Ganapathy Garden" layout and also paid a sum of Rs.7,500/- as monthly instalment to the petitioner and her husband. Even after payment of the entire sale consideration, when the petitioner and her husband did not execute the sale agreement in favour of the de-facto complainant, he doubted the genuineness of the transaction and when he enquired, he came to know that the property did not belong to the accused.

5. Learned counsel for the petitioner submitted that pursuant to the direction of this Court, while granting bail to the husband of the petitioner, he was directed to give security and the father of the petitioner has already deposited the title deeds of the property in question worth about Rs.43 lakhs as mentioned in the schedule of property in the affidavit dated 06.04.2017 filed by the petitioner, which is evident from paragraph 6 of the said affidavit. Learned counsel for the petitioner contended that the petitioner is not at all involved in any offence much less the present one and she has been unnecessarily dragged on the issue. However, in order to show her bona-fides to obtain anticipatory bail, she would co-operate in the investigation and the petitioner is willing to deposit Rs.3 lakhs within three months.

6. Accordingly, this Court, while accepting the said affidavit filed by the petitioner, orders release of the petitioner on bail in the event of her arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.3, Coimbatore, subject to the following conditions:

(i) The petitioner is given two months' time from the date of the affidavit dated 06.04.2017, i.e. upto 06.06.2017, to deposit a sum of Rs.3 lakhs (Rupees three lakhs only) before the Court below (JM Court No.3, Coimbatore).

(ii) 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 said Magistrate;

(iii) The petitioner shall report before the respondent-Police as and when required for interrogation;

(iv) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) The petitioner shall not abscond either during investigation or trial;

(vi) The petitioner shall not leave India without prior permission of the Court below, till the conclusion of the proceedings before the Court below.

(vii) On breach of any of the aforesaid conditions, the 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 Magistrate/Trial

Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala (AIR 2005 SCW 5560).

-sd/-
12/04/2017

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 JUDICIAL MAGISTRATE,
NO.3, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
OFFICE OF THE COMMISSIONER OF POLICE,
COIMBATORE DISTRICT.

CC to M/S.N.CHANDRASEKARAN Advocate on payment of necessary charges

CRL OP.2141/2017

Date :12/04/2017

ths : 18.04.2017