IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.25258 of 2017

PRIYA @ PARIMALA, [PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR. CR.NO.26 OF 2017.

For Petitioner : M/S.K.BALAJI Advocate

For Respondent : MR. K.MADHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s 420 r/w 34 of IPC in Cr.No.26 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. This is the second anticipatory bail application and the first anticipatory bail application in Crl.O.P.No.19323 of 2017 was dismissed by this Court on 19.09.2017, on the ground that the allegations against the petitioner are very serious.

4. It is the case of the prosecution that the petitioner's husband Muthukumar was doing chit business and had collected monies from various persons to the tune of Rs.1,79,00,000/- and had not returned the amount.

5. Learned Government Advocate (Crl.Side) submitted that totally there are 48 complaints against Muthukumar and the complainants have also implicated his wife and mother.

6. Admittedly, Muthukumar was arrested by the Police and he was released on bail under Section 167(2) Cr.P.C.. On a reading of the confession statement of Muthukumar, it is seen that he has been running chit business from the year 2016 onwards and was diligently repaying the subscribers and that some persons, who had successfully

bid in the chit had failed to return the amounts, on account of which, Muthukumar was not able to repay the same. In his confession statement, he has further stated that, some subscribers will come to his house and handover subscription to his wife.

7. Learned counsel for the petitioner submitted that the petitioner is a house wife and she has two children and she was not at all involved in the chit business of her husband.

8. Taking into consideration the nature of the allegations against the petitioner, this Court is inclined to grant her the relief of anticipatory bail. Whatever is stated herein, is only for deciding this anticipatory bail application and this Court has not given any finding about the guilt or otherwise of the petitioner and it is for the police to proceed with the investigation uninfluenced by what is observed herein.

9. Accordingly, 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.I, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one must be a blood related surety, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner and 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/11/2017

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR.

+1 CC to M/S.K.BALAJI Advocate on payment of necessary charges-Sr.21650

CRL OP.25258/2017

Date :27/11/2017

ths : 29.11.2017