

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.13922 of 2018

S.VIJYA

[PETITIONER / ACCUSED]

Vs

1 THE SUPERINTENDENT OF POLICE
CUDDALORE DISTRICT

[RESPONDENT]

2 THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM, CUDDALORE DISTRICT.
CR.NO.133/2018.

For Petitioner : M/S.P.SANKAR Advocate FOR M/S.M.MUHESH Advocate

For Respondent : M/S.V.SARATHA DEVI, GOVERNMENT ADVOCATE [CRL.SIDE]

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondents of the second respondent police who has registered FIR in Crime.No.133 of 2018 for the alleged offence under Section 420 IPC, based on the complaint of one Singaravelan S/o.Santhrakasan dated 02.04.2018 against the petitioner.

2. The defacto-complainant subscribed chit amount of Rs.5,00,000/- which was completed in the year 2013 in SS.TEEM FUND conducted by the petitioner's husband who is the second accused in the F.I.R. The defacto-complainant demanded the above chit amount of Rs.5,00,000/- from A2 and the payment was delayed by the accused. The defacto-complainant enquired in the Registrar Office as to whether the above chit fund was registered or not and he came to know that it is not a registered one. It is cleared by the respondent police that it is a registered chit fund, but however both the accused A1 and A2 made delay in repayment of the amount, even after the chit got completed. The petitioner has also stated that he has made payments on different dates for a sum of Rs.1,00,000/-. However, in view of the representation made by the defacto-complainant, the petitioner has paid Rs.1,00,000/- , but, there is no date or any acknowledgment given by the defacto-complainant, has been placed before this Court.

3. The earlier application filed by the other accused was allowed on condition, but it represented by the respondent police

that the co-accused was released on bail on 16.04.2018. It is brought to the notice of this Court that the petitioner has given an undertaking before the Registrar of Chits that entire payment will be paid by 22.01.2018 and 20.02.2018, but there is no mention by the petitioner, as to whether as per the letter given before the Registrar, the amount had been settled, but it is made clear by the respondents that no amount has been paid after undertaking letter given by the petitioners on 27.11.2017.

4. It is also stated that condition imposed on the other accused is also not complied with. Further, this petitioner pleads for allowing this petition on any condition.

5. Considering the arguments advanced by the petitioner and respondents, the petition is allowed and the petitioner shall 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 concerned Magistrate, on the following conditions:

(i) that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned :

(ii) that the petitioner has to deposit a sum of Rs.6,00,000/- (Rs.Six lakhs only) before the concerned Jurisdictional Court in the said Crime Number within 15 days from today and the petitioner shall furnish receipt before this forum. The petitioner has to report before the respondent and sign before the respondent police daily at 10.30 a.m until further orders.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(v) 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 is 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]*.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

(vii) It is also stated that based on the F.I.R. registered, that the petitioner is causing threat to the defacto-complainant . Hence, there should be not be any such attitude on the part of the petitioner,

-sd/-
12/06/2018

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.II, CHIDAMBARAM.

2 THE SUPERINTENDENT OF POLICE
CUDDALORE DISTRICT

3 THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.MUHESH Advocate on payment of necessary charges
in SR.NO. 10527

CRL OP.13922/2018

Date :12/06/2018

MLT-18/06/2018