

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14671 of 2018

1 GOPI [PETITIONERS / ACCUSED]
2 VIJAYA @ VIJAYALAKSHMI
3 CHITRA @ PRIGANAYAGI

Vs

STATE BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
TRIPLICANE POLICE STATION,
CHENNAI.
CR. NO. 266 OF 2018.

J.VIJAYA [PETITIOENR/INTERVENOR/DEFACTO COMPLAINANT]

**ORDERED AS PER THE ORDER OF THIS COURT DATED 08/06/2018 MADE IN
CRL.MP.NO.7569/2018 IN CRLK.OP.NO.14671/2018**

For Petitioner : M/S.A.MICHAEL Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

For Intervener : M/S.P.PUGALENTHI Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek bail in Crime No.266 of 2018 registered by the respondent police for the alleged offences punishable under Sections 347, 386, 294(b), 323, 324, 406, 420, 506(ii) r/w 34 of IPC.

2. The case of the prosecution as per the *de facto* complainant Vijaya is that she is residing with her brothers and that her father died during the year 2017. During 1996, they have sold their property and put the money in Fixed Deposit in Indian Bank, Porur. The further allegation is that after the death of her father, the petitioners, who are related to her, in the guise of supporting them and giving guidance to them, cheated the *defacto* complainant, who was uneducated and had swindled an amount of Rs.57,00,000/- from the Bank accounts of the petitioners. Further, they have also taken the property documents and kept them in illegal confinement in the house at Mugapair and threatened to murder them. The further averment is that the *defacto* complainant and her brothers escaped from the illegal confinement and that they have been saved by some passers-by and they have been produced before the police station.

3. The learned counsel for the petitioners would submit that a case of money dispute has been falsely projected as if the petitioners cheated the *defacto* complainant and her brothers. He would submit that monies have been handed over by the *defacto* complainant and later a false complaint has been given. He would submit that the petitioners were arrested on 27.04.2018 and they are in judicial custody for more than one month. He would submit that no police custody was taken and no purpose would be served by keeping the petitioner in judicial custody. He would also submit that the entire case of the prosecution is borne out by documents.

4. The learned counsel for the intervenor would oppose grant of bail stating that the *defacto* complainant and her brothers are uneducated and are persons of low I.Q and by taking advantage of the *defacto* complainant's mental status, the petitioners have cheated them to the tune of Rs.57,00,000/-. He would also submit that by cheating the *defacto* complainant, the petitioners have built a palatial house at Vanagaram.

5. The learned Additional Public Prosecutor would submit that the petitioners along with other accused joined together and cheated the *defacto* complainant and her brothers, who are related to them.

6. Taking into consideration the facts of the case and taking note of the fact that the petitioners have been in custody since 27.04.2018, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their 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 XIII Metropolitan Magistrate, Egmore, and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.a.m. until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

-sd/-

08/06/2018

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 METROPOLITAN MAGISTRATE,
NO.XIII,EGMORE

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL

5 THE INSPECTOR OF POLICE,
TRIPLICANE POLICE STATION,
CHENNAI.

+1 CC to M/S.A.MICHAEL Advocate on payment of necessary charges
SR.NO. 10290

CRL OP.14671/2018

Date :08/06/2018

RD 08/06/2018