

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15712 of 2018

BHUVANA,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE (CRIME),

J-3, GUINDY P.S.

CHENNAI. CR.NO.340 OF 2018

For Petitioner : M/S.V.KANNADASAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.340 of 2018 registered by the respondent police for the offence punishable under Section 420 of IPC.

2. The case of the prosecution as per the de-facto complainant one Balaji is that he entered into an agreement for construction of a building and paid Rs.50,00,000/- to the accused. The further allegation is that the accused cheated the defacto complainant by not complying with the agreement.

3. The learned counsel for the petitioner would submit that the petitioner's husband, who is arrayed as A1 and the defacto complainant entered into an agreement and that there was a dispute between them due to non-payment of Rs.5,68,000/- and thereby, the construction was stopped whereas, instead of repaying the amount, a false complaint has been given as if the petitioner has not constructed the house. He would further submit that the major part of the construction is over. He would submit that the husband of the petitioner was arrested and enlarged on bail and that it is a case of commercial agreement attempted to be converted as criminal transaction and that the petitioner is pressurised to settle the civil dispute by police action.

4. The learned Additional Public Prosecutor would submit that the petitioner is a partner of the firm, which entered into an agreement with the defacto complainant and that due to money dispute, the

petitioner's husband has refused to complete the building.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 IX Metropolitan Magistrate, Saidapet, Chennai-600 015, on condition 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m for two days 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/06/2018

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.IX, SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
J-3, GUINDY P.S.
CHENNAI.

+1 CC to M/S.V.KANNADASAN Advocate on payment of necessary
charges-Sr.12160

CRL OP.15712/2018

Date :29/06/2018

ths : 06.07.2018