

CRM-M-31362 of 2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31362 of 2018 (O&M)
Date of Decision: 30.08.2018

Kalai Selvi Rasiah
....Petitioner

Versus

State of Punjab and another
....Respondents

CRM-M-31409 of 2018

Kalai Selvi Rasiah
....Petitioner

Versus

State of Punjab and another
....Respondents

CRM-M-31414 of 2018

Kalai Selvi Rasiah
....Petitioner

Versus

State of Punjab and another
....Respondents

CRM-M-31423 of 2018

Kalai Selvi Rasiah
....Petitioner

Versus

State of Punjab and another
....Respondents

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Present: - Mr. Bipan Ghai, Sr. Advocate,
with Mr. J.S. Mehndiratta, Advocate, for the petitioner.
Mr. Harpreet Multani, AAG, Punjab.
Mr. J.S. Bedi, Sr. Advocate,
with Mr. Vaibhav Sehgal, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

CRM-30358 of 2018 in CRM-M-31362 of 2018

Reply filed on behalf of respondent No.2 is taken on record.

Disposed of.

CRM-30359 of 2018 in CRM-M-31362 of 2018

Allowed as prayed for. Photocopies of Annexures R1 to R19 are taken on record.

Disposed of.

Main cases

By this common order, above titled petitions under Section 439 Cr.P.C. for grant of regular bail to the petitioner Kalai Selvi Rasiah in criminal complaints bearing Nos.COMA 4798/2014, COMA 4800/2014, COMA 4799/2014 and 4801/2014 dated 17/18.07.2014 titled as “Jasbir Kaur v. Kalai Selvi Rasiah” under Section 138 of the Negotiable Instruments Act, 1881 (for short the 'Act') are being disposed of.

In nutshell, aforesaid four separate complaints under Section 138 of the Act filed by respondent No.2 against the petitioner are pending before the trial Court. During their pendency, petitioner was initially granted bail on 13.09.2016, but was bailed out only on 07.11.2016 as she could not arrange and furnish adequate bail and surety bonds to the satisfaction of the trial Court.

On 16.12.2016, petitioner moved application for exemption of her personal appearance, which was dismissed. Resultantly, her bail and surety bonds were cancelled and forfeited to the State. Presence of the petitioner

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was ordered to be secured through non-bailable warrants. On coming to know of this fact, petitioner appeared before the trial Court on 03.02.2017, but disappeared without any intimation or furnishing bail bonds. Therefore, after conducting proceedings under Section 82 Cr.P.C., petitioner was declared proclaimed offender vide order dated 09.05.2017 and was arrested on 12.02.2018.

Learned counsel, on instructions from Mr. R. Sundar Rajan s/o M. Ramiah, resident of 31/51, Chamen Road, Nandanam, Chennai (98940-76668) cousin of the petitioner, submits that as on date, the petitioner is penniless. Her husband has also expired. Petitioner can try and arrange some money for payment to respondent No.2 in case, she is bailed out. In the meantime, her relatives are ready to deposit ₹1.00 crore (One Crore only) before the trial Court for grant of bail to the petitioner.

As a good gesture, learned counsel for respondent No.2 did not seriously oppose the bail application of the petitioner in view of above assurance given by cousin of the petitioner to deposit ₹1.00 crore (One Crore only) on behalf of the petitioner before the trial Court.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, trial Court is directed to grant bail to the petitioner subject to deposit of ₹1.00 crore (One Crore only) by her relatives and furnishing adequate personal bonds to the satisfaction of the trial Court along with undertaking by at least two close relatives of the petitioner binding themselves with all consequences thereof, with documentary proof of their immovable properties having value beyond the disputed amount, situated in India, duly certified by the concerned local

revenue authorities.

The amount deposited on behalf of the petitioner shall be

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converted by the trial Court in the shape of some STDR in some nationalised bank fetching maximum rate of interest so as to save loss of interest to any of the parties, whosoever shall be held entitled for the same.

Disposed of.

August 30, 2018	(RAMENDRA JAIN)
R.S.	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No