

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.5108 of 2020

and

CrI.MP.No.3444 of 2020

Anitha Mary

... Petitioner/Accused

Vs.

State rep. by
Inspector of Police,
Economic Offences Wing,
Guindy, Chennai.
(Crime No.2 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to modify the order made in CrI.MP.No.3762 of 2020 to the extent as to condition that the petitioner shall deposit original title deeds worth about Rs.25lakhs before the said Court.

For Petitioner : Mr.N.R.Kaushik

For Respondent : Mr.K.PRabakar,

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to modify the condition imposed by the Principal Sessions Judge, Chennai in CrI.MP.No.3762 of 2020 in Cr.No.2 of 2020.

2. The learned counsel for the petitioner would submit that the petitioner was arrested in Cr.No.2 of 2020 registered by the respondent police for the offence under Sections 409, 420 r/w.120B of IPC and Section 4 and 14 r/w.76 of Tamil Nadu Chit Funds Act. The petitioner was arrested on 03.02.2020, she filed the bail petition in CrI.MP.No.3762 of 2020, the learned Principal Sessions Judge, Chennai by an order dated 17.02.2020 granted bail to the petitioner, on condition to deposit original title deeds worth about Rs.25lakh before the said Court. He would further submit that the petitioner's husband and mother in law are added as accused and they are absconding. The petitioner is a Government Servant and she has no connection with the business of the husband. Despite granting bail by the Principal Sessions Judge, Chennai on 17.02.2020, the petitioner was unable to produce the original title deeds worth about Rs.25lakhs, she is languishing in jail. The petitioner has no

property in her name and that since, the entire family is now facing criminal charges, no relatives are prepared to give title deeds. If only the petitioner comes out, some arrangements can be made.

3. The learned counsel for the intervenor submits that the petitioner's husband and mother in law are conducting chit fund company and cheated several victims to the tune of Rs.1.25crores.

4. The learned Additional Public Prosecutor would submit that the petitioner's husband and mother in law collected huge amount from depositors and cheated the public in large.

5. Taking into consideration, the facts and circumstances of the case, the condition imposed by the trial Court in Crl.MP.No.3762 of 2020 dated 17.02.2020 to deposit original title deeds worth about Rs.25lakhs before the said Court is alone set aside. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, out of which one surety shall be a Government servant, each for a like sum to the satisfaction of the learned Chief Metropolitan Magistrate, Chennai and the other conditions imposed by the trial Court remains unaltered.

6. Accordingly, the criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Chennai.

2.State rep. by

Inspector of Police,
Economic Offences Wing,
Guindy, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.R.Kaushik, Advocate, S.R.No. 23964

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No. 24192

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