

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14204 of 2020

V.Meena

... Petitioner

Vs.

The State,

... Respondent

The Inspector of Police,
Cuddalore Police Station,
Cuddalore District.

Crime No.17 of 2019.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of her arrest pending investigation in Crime No.17 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.Prasanna

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 423, 467, 468 and 471, in Crime No.17 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Rajaveni is that she has purchased a property at Paathirikuppam Village, Cuddalore District. Thereafter, due to a dispute between the de-facto complainant and her husband they got separated. While so, her husband (A1) by fabricating her signature has settled the property in favour of her daughter / petitioner herein. It is further stated that earlier a similar compliant was filed before the Deputy Superintendent of Police, and in order to settle the matter, they gave an amount of Rs.3 lakhs to the de-facto complainant, whereas the value of the property is worth more than Rs.30 lakhs. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the de-facto complainant is none other than the mother of the petitioner. He would further submit that due to dispute between her mother and father, her mother has given a false complaint against them. He would further submit that earlier also her mother gave a similar complaint before the Deputy Superintendent of Police, Cuddalore District, wherein the petitioner, her father and mother / de-facto complainant attended the enquiry and settled the matter by giving her a sum of Rs.3 lakhs.

4. The learned counsel for the petitioner further submitted that the petitioner was aged about 23 years at the time when the property came to her by way of gift deed. He would further submit that the petitioner is now working as a Teacher (B.T.Asst.,) in Ramakrishna Mission Vidyalaya Matriculation School, at Salamedu, Villupuram District and she is ready to abide any condition imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the de-facto complainant is none other than the mother of the petitioner. The father of the petitioner, who has been arrayed as A1, has fabricated the property belonging to the de-facto complainant (mother of the petitioner) and transferred it in favour of the petitioner. He would further submit that the investigation is pending and the accused No.1 has been arrested. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Panruti, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as

and when required.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/09/2020

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.I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
CUDDALORE DISTRICT.

CC to M/S.S.PRASANNA Advocate on payment of necessary charges

CRL OP.14204/2020

Date :14/09/2020