

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9922 of 2020

R.Gulsar

... Petitioner

Vs.

The State Represented by  
The Inspector of Police,  
T4, Maduravoyal Police Station,  
Chennai.

Crime No.611 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of her arrest in Crime No.611 of 2019 pending on the file of the respondent police.

For Petitioner : Mr.S.Sathish Rajan

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406, 420 and 506(ii) of IPC in Crime No.611 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner collected a sum of Rs.9,00,000/- from the de-facto complainant in the name of Chit. Thereafter, the petitioner did not repay the same and she returned only Rs.50,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has no means to pay the amount to the de-facto complainant. He would further submit that her son also committed suicide for some other reason and she is lady and she has no other means to settle the said amount. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner collected a sum of Rs.9,00,000/- from the de-facto complainant in the name of Chit and she failed to repay the said amount. In so far as only a sum of Rs.50,000/- returned to the de-facto complainant and there is balance of a sum of

Rs.8,50,000/- payable to the de-facto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. It is seen that the petitioner running a Chit there are so many subscribers, in which, the de-facto complainant invested a sum of Rs.9,00,000/- and thereafter, the petitioner failed to return the entire amount and only returned a sum of Rs.50,000/- to the de-facto complainant. However, the petitioner would submit that the petitioner is ready and willing to deposit a tittle deed in respect of the balance amount.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a title deed which stands in the name of her, her friends name or her relatives name not less than the value of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) along with proper valuation certificate obtained from the authority concerned to the credit of Crime No.611 of 2019, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Poonamallee, 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 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 deposit a title deed which stands in the name of her, her friends name or her relatives name not less than the value of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) along with proper valuation certificate obtained from the authority concerned to the credit of Crime No.611 of 2019, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

-sd/-

02/07/2020

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,  
POONMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
T4, MADURAVOYAL POLICE STATION,  
CHENNAI.

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

CRL OP.9922/2020

Date :02/07/2020

MK:17/08/2020