

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 11234 of 2020

Viju @ Jayalakshmi

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Walajapet Police Station,
Vellore.

Crime No. 683 of 2020 ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner herein on bail in Crime No.683 of 2020, on the file of the respondent/complainant - the Inspector of Police, Walajapet Police Station, Vellore.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.06.2020 for the offences punishable under Section 420 of IPC and later it was altered to 120(B) and 420 of IPC in Crime No.683 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that the accused induced him by saying that if he gives an amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) in the denomination of Rs.500/- and Rs.2000/- notes, they would return Rs.26,00,000/- (Rupees Twenty Six Lakhs only) by way of Rs.100/- denomination notes believing that the defacto complainant had arranged the money and handed over to them. At that time, the other accused persons posing themselves as police have come to the place of occurrence in Sumo vehicle and have taken the amount of Rs.20,00,000/- from the defacto complainant and escaped from the scene of occurrence.

3 The learned counsel appearing for the petitioner would

submit that the petitioner is an innocent lady and she has been falsely implicated in this case since she happens to be the relative of the other accused who are absconding. He would further submit that there is no previous case against the petitioner. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are totally ten accused in this case and in this case A2, A6, A7, A8, A9 & A10 were arrested. He further submitted that the petitioner/A2 and other accused persons have induced the defacto complainant to arrange a sum of Rs.20,00,000/- by way of denominations in Rs.500/-, Rs.2,000/-, and they asked him to come to the place with the money and other accused posing as policemen took away money. He would submit that the offence has been committed in a planned manner and that though the accused have been arrested, the respondent police are unable to recover even a single rupee from the accused. Hence, he vehemently opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the petitioner is a lady and in jail from 20.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), out of which, one surety should be a blood relative surety, before the learned Judicial Magistrate No.II, Court at Walajah, Vellore District, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent daily at 10.30 a.m., until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/07/2020

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.II,
COURT AT WALAJAH, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE.

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

CRL OP.11234/2020

Date :28/07/2020

MK:25/08/2020