IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13112 of 2020

Parveen ... Petitioner/Accused No.3

Vs

State rep. by:
The Sub Inspector of Police,
District Crime Branch,
Cuddalore.
(Crime No.10/2020) ... Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner / accused on bail in the event of her arrest in Crime No.10/2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Pugazhenthi

For Respondent : Mr.S.Karthikeyan
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 and 420 of IPC, in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lent a sum of Rs.47,50,000/- to the first accused on various dates between 03.01.2016, 13.02.2017, 28.04.2017 and 20.05.2019 to invest the business of exporting cardamom and variety of pulses to foreign countries. The first accused also assured him that he would include him as a partner in their business and also to give equal share out of profit. The said amount was arranged by the defacto complainant by mortgaging his landed properties and by pledging jewels. The first accused did not keep up his words and never invested the said amount for the business as assured by him. The defacto complainant came to know about the incident that the entire amount was cheated by the first accused when his wife has questioned about the same. When the defacto complainant demanded his money, the petitioner abused him with filthy language and threatened with dire consequences. Hence, the complaint.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as 3rd accused and she is being the sister of the first accused. The first accused only received the money as alleged by the defacto complainant and failed to share the profit out of the amount received by him. He also failed to include the defacto complainant as a partner in their business. He further submitted that the first was accused arrested and subsequently released on bail. He further submitted that earlier, petitioner filed an application for anticipatory bail before this Court and the same was dismissed as withdrawn on 30.06.2020 in Crl.O.P.No.8739 of 2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the first accused received a sum of Rs.47,50,000/- along with his wife, who is arrayed as A2, assuring that the defacto complainant would be included as a partner in their business. Thereafter, A1 and A2 failed to include him as a partner in their business and also failed to return the money as stated by him. Insofar as, the petitioner is concerned, she is the sister of the first accused and she also joined with the hands of the A1 and A2 and abused the defacto complainant and threatened with dire consequences. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above submissions, insofar as the petitioner is concerned who is arrayed as third accused, even according to the case of the prosecution, the defacto complainant was also threatened by her with dire consequences. The defacto complainant paid a sum of Rs.47,50,000/-to the first respondent to include him as a partner in their business and also assurance was given by the first accused to give equal share out of profit. It is seen that the petitioner is not connected with the transaction between the 1st and 2nd accused and the defacto complainant. Considering the facts and circumstances of the case, and the gravity of the offence alleged against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District, 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:

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

-sd/-
04/09/2020

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.

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TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KATTUMANNARKOIL, CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE.

CC to G.PUGAZHENTHI Advocate on payment of necessary charges

CRL OP.13112/2020

Date :04/09/2020

MK:17/09/2020

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