

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14218 of 2020

R. Santhana

... Petitioner

Vs.

The State Rep by its
The Inspector of Police,
District Crime Branch,
Villupuram District.
Crime No.27 of 2020

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.27 of 2020 on the file of the respondent police.

For Petitioner : Mr. D. Ravichander

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

O R D E R

(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 Section 420 of I.P.C. in Crime No. 27 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant S.Sivakumar is that he is a gold smith by profession. The further allegation is that the petitioner and her husband A1 in this case, who are running a jewelery shop had procured gold jewels from him during the period 04.09.2018 to 26.11.2018. The de-facto complainant had made 1162 gram (22 carat) of jewels to the petitioner. On 25.05.2019, the accused had executed a promissory note in a 100 Rupees Stamp paper as security and also executed a bond for Rs.48,48,280/-(Rupees Forty eight lakhs forty eight thousand two hundred and eighty) and thereafter whenever the de-facto complainant had asked for re-payment, they have not repaid the amount and the de-facto complainant given a complaint before the Anakandanallur Police Station and during the enquiry the accused had paid an amount of Rs.2,00,000/-(Rupees Two lakhs only) and agreed to repay the balance amount within a period of three months and thereafter he did not repay the amount. Hence, the complaint was registered.

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 submit that the husband of the petitioner was running a jewelery shop. He would further submit that based on the false complaint given by the de-facto complainant her husband was arrested and he is in the judicial custody as on date. He would further submit that a dispute in a business transaction has been falsely projected as cheating. The learned counsel further submit that without prejudice to her rights and defence, the petitioner is prepared to deposit the original title deeds of the immovable property worth about Rs.25 lakhs to the credit of crime No.27 of 2020 before the Judicial Magistrate. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner(A2) and her husband (A1) have induced the de-facto complainant, who is a gold smith and purchased jewels worth about Rs.48,48,280/-(Rupees Forty eight lakhs forty eight thousand two hundred and eighty) on the promise that it would be sold in the jewelery shop and thereafter they cheated the de-facto complainant by not repaying the amount. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the petitioner along with her husband were running the jewelery shop. Based on which, the de-facto complainant has supplied the jewelery worth about Rs.48,48,280/-(Rupees Forty eight lakhs forty eight thousand two hundred and eighty) and thereafter, they have not repaid the amount. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts and submissions of the learned Counsel and the fact that the petitioner's husband(A1) in this case was arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate -I, Villupuram, on condition that the petitioner shall deposit the original title deeds of immovable property worth about Rs.25 lakhs to the credit of crime No.27 of 2020 either belonging to the petitioner or relatives or third parties and shall also deposit an amount of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of crime No.27 of 2020 before the learned Magistrate concerned and 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/09/2020

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, VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

CC to M/S.D.RAVICHANDER Advocate on payment of necessary
charges Sr.6546

CRL OP.14218/2020

Date :29/09/2020

RVR 14/10/2020



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