

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15555 of 2020

V.Rajeswari

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai.
(Chennai No.5439 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of her arrest by the respondent police pending investigation of the case in Crime No.5439 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Ponnivalavan

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 Sections 406 and 420 of IPC 1860 in Crime No.5439 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with the other accused conducted a chit fund and collected money from the general public on the assurance to repay the double amount and thereafter, they have not repaid the amount and thereby, they cheated the defacto complainant and others. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and that she has not committed any offence as alleged by the prosecution and a false case has been foisted against her. He further submitted that the defacto complainant is the neighbor of the petitioner herein. The petitioner

has introduced one Anu/A3 to the de-facto complainant and the said Anu and her husband were running the chit fund in the name of "M/s. GDR Sun Enterprises" and collected money from the public under the scheme of "GDR Thangamalai" on the promise of to repay the double amount. He further submitted that as per the prosecution, there is no specific role attributed against the petitioner. He further submitted that the agreement was entered into between the petitioner and defacto complainant and thereafter, the petitioner has paid a sum of Rs.1,00,000/- to the defacto complainant and others. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with the other accused conducted a chit fund and collected money from the general public on the assurance to repay the double amount and thereafter, they have not repaid the amount and thereby, they cheated the defacto complainant and others. He further submitted that there are no previous cases pending as against the petitioner and also submitted that the other accused have been arrested and later on, released on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. The respondent police has filed a counter affidavit in which it has been stated that the petitioner along with the other accused were running a chit fund in the name of "GDR Sun Enterprises" and collected money from the defacto complainant and others on the assurance of to repay the double amount. The counter is taken on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 from the date on which the copy of this order is made ready, 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 Judicial Magistrate, Thiruvottiyur, Chennai, 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 every day at 10.30 a.m., for a period of four weeks and thereafter every Monday at 10.30 a.m., until further order.

[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/-

13/10/2020

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,
THIRUVOTTIYUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
THIRUVOTTIYUR, CHENNAI.

+1 CC to M/S.C.BALAJI Advocate on payment of necessary charges
SR.No.6899

CRL OP.15555/2020

Date :13/10/2020