

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.16511 of 2020

Poongodi

... Petitioner

Vs.

The State represented by
The Sub- Inspector of police,
District Crime Branch,
Ariyalur Police Station,
Ariyalur.
Crime No.1 of 2020

... 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.1 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Gopinath

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

O R D E R

(This case has been heard through video conference)

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 417, 420, 465, 468 and 506(i) of IPC, in Crime No.1 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons collected a sum of Rs.15,00,000/- from the defacto complainant and her relatives for securing job in foreign countries, but, they have neither sent them abroad nor returned the money. When the amount was demanded the accused persons have abused the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the wife of A1 and she is working as Headmaster at Panchayat Union Elementary School, Nadukkansenkollai, Jeyamkondam, Ariyalur District. Due to matrimonial dispute, the petitioner and her husband / A1 have been living separately for the past 15 years. The petitioner had taken care of the daughters and the 1st daughter got married and the 2nd daughter is a dentist. While so, the petitioner was called for enquiry earlier by the District Crime Branch and only at that time, she came to know that her husband had cheated the defacto complainant and his relatives. During enquiry conducted by the District Crime Branch, she has stated about the matrimonial disputes between her and A1 who is her husband and living separately for 15 years based on that, the District Crime Branch has closed the enquiry. Thereafter, in order to recover the money from the petitioner by coercion and under threat of arrest, the defacto complainant has once again preferred the same complainant before the present respondent. The petitioner was issued the notice under Section 160 Cr.P.C. and she had duly appeared for enquiry before the respondent. During enquiry, the respondent police threatened to arrest the petitioner and under compulsion took signatures in blank documents as if the petitioner agreed to repay an amount of Rs.15 lakhs on behalf of her husband. Immediately, on the next day, the petitioner sent a complaint to the higher officials against the respondent on 01.02.2020. The learned counsel would further submit that the petitioner and the first accused are not living together for the past 15 years and that, she, being the Headmaster, is working in the Panchayat Union Elementary School, Nadukkansenkollai, Jeyamkondam and brought up her daughters and has also got the 1st daughter married and also made the 2nd daughter a dentist. In order to prove her bonafides, the petitioner is also prepared to deposit original title deeds of documents to the market value of Rs.10 lakhs before the concerned learned Magistrate.

4. The learned Additional Public Prosecutor would submit that the petitioner and her husband/A1 in the guise of securing job for the defacto complainant in abroad had received an amount of Rs.15 lakhs and have also issued fake employment orders and cheated the defacto complainant. He would further submit that the petitioner has already granted anticipatory bail in CrI.O.P.No.5633 of 2020 by an order dated 13.03.2020, but the petitioner had not complied the conditions as order by this Court. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. On perusal of the available records, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,000/- (Rupees two thousand only) to the concerned Legal Service Authority 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.I, Ariyalur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with one surety, 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 surety 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 daily at 5.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall furnish the original title deeds of immovable properties to the market value of Rs.15 lakhs either in the name of her or relatives or friends to the credit of Crime No.1 of 2020 before the concerned Court.

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

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

[f] 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].

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

-sd/-
16/10/2020

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 NO.I,
ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ARIYALUR POLICE STATION,
ARIYALUR.

CC to M/S. A.GOPINATH Advocate on payment of necessary charges

CRL OP.16511/2020

Date :16/10/2020

MK:28/10/2020

WEB COPY