

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.OP.No.17065 of 2020

S.Maheshwari

... Petitioner/A2

- Vs -

State by Inspector of Police(Crimes),
R-8, Vadapalani Police Station,
Chennai-26.
(Crime No.32/2020)

... Respondent

Criminal Original Petition filed u/s 438 of the Criminal Procedure Code praying this Court to enlarge her on bail in the event of arrest by the respondent Police concerned in Crime No.32 of 2020 on the file of the Inspector of Police (Crimes), R-8, Vadapalani Police Station.

For Petitioner : M/S.D.N.Dhurgasha

For Respondent : M/S.T.P.Savitha, GA

ORDER

The petitioner/A-2 who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of IPC in Crime No.32 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/A2 colluded with her husband/A1, collected a sum of Rs.2,94,500/- from the defacto complainant under the gold coin scheme and later failed to return the gold coins or the amount paid by the defacto complainant and thus committed cheating.

3. It appears that this second anticipatory bail application filed by the petitioner/A2. On the earlier occasion, considering the submissions made before this Court as to the act of the petitioner, the anticipatory bail application was dismissed, which has prompted the petitioner to file the present application for anticipatory bail.

4. Learned counsel appearing for the petitioner/A2 submitted on the earlier occasion, while this Court dismissed the earlier anticipatory bail application on 14.02.2020, the petitioner's husband/A-1 was secured by the law enforcing agency and he filed bail application in CrI.MP.No.3890/2020, before the Sessions Court and the Court, by its order dated 20.02.2020, granted anticipatory bail to him on condition that he deposits a sum of Rs.3,00,000/- to the credit of the crime No.32/2020 against which the petitioner's husband /A1 filed a modification petition before this Court in CrI.OP.No.4362/2020 and this Court by its order dated 05.03.2020 modified the condition from Rs.3 Lakhs to Rs.1.50 lakhs. He further submits that without prejudice, the petitioner herein is prepared to deposit a sum of Rs.1,50,000/- within a period of two weeks from the date on which the order copy is made ready, to the credit of Crime No.32/2020 and considering the fact that A-1 has already been enlarged on bail on similar condition, this Court may grant bail to the petitioner herein on similar condition.

5. Learned Government Advocate submits that the investigation is still underway and as huge amount to the tune of Rs.1 Crore is involved, the case has been handed over to CBCID and the investigation is still continuing and, therefore, opposes the grant of bail.

6. The fact that A-1 has been granted bail by the Sessions Court and the condition imposed was also modified is not disputed. The petitioner herein, who is A-2, seeks bail on similar condition and expressed willingness to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and fifty thousand only) to the credit of Crime No.32/2020. Considering the above factual position, A-1 having already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner on similar conditions.

7. Accordingly, the petitioner/A2 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 of receipt of a copy of this order, before the learned XV Metropolitan Magistrate, George Town, Chennai, 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 and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the credit of crime No.32/2020, within a period of two weeks from the date on which the order copy is made ready and produce the receipt of deposit before the learned Magistrate at the time of her surrender.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(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]; and;

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

-sd/-

03/11/2020

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 METROPOLITAN MAGISTRATE
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIMES),
R-8 VADAPALANI POLICE STATION,
CHENNAI - 26.

+2 CC to M/S. D.N.DHURGASHA Advocate on payment of necessary charges SR.No.7246

CRL OP.17065/2020

Date :03/11/2020