

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16905 of 2020

L.Nalini

... Petitioner

Vs.

The State

represented by

The Inspector of Police,
Singanallur Police Station,
Coimbatore.

Crime Number Not known

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime Number is not known pending investigation on the file of the respondent/Police.

For Petitioner : Mr.M.Velmurugan

For Respondent : Ms.T.P.Savitha
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No.not known on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent police.

3. From the petition, it appears that the husband of the petitioner namely, Leelakrishnan had civil transaction with the defacto complainant namely, Saraswathy in respect of the property, which is now subject matter of the suit in O.S.No.468 of 2020 on the file of the Principle District Judge, Coimbatore. While so, alleging that the petitioner herein illegally holding the title document of the defacto complainant, the complaint has been given to the respondent police and enquiry is pending.

4. It is also brought to the notice of this Court that Leelakrishnan to whom, the defacto complainant had entered into the agreement has already obtained an interim bail and also filed the petition for anticipatory bail before the District Court. The District Court has restrained the respondent police from harassing Leelakrishnan till 28.10.2020.

5. Considering the nature of the dispute between the defacto complainant and Leelakrishnan which is explicitly narrated in the plaint copy annexed in the typed set of papers, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or her appearance, within a period of fifteen days, before the learned Judicial Magistrate No.III, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only), with two sureties each for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioner shall report before the respondent police as and when required for interrogation.

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

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

[f] On failure to comply the condition or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/10/2020

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 MAGISTRAT NO.III,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SINGANALLUR POLICE STATION,
COIMBATORE.

+1CC to M/S.M.VELMURUGAN Advocate on payment of necessary charges SR NO.7068

CRL OP.16905/2020

Date :23/10/2020

MK:28/10/2020

WEB COPY