

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.No.17548 of 2020

Renuka

... Petitioner

Vs.

State, represented by
Station House Officer,
District Crime Branch,
Cuddalore Police Station,
Cuddalore.
(Crime No.17 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, in connection with Crime No.17 of 2020, on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.09.2020 for the offences punishable under Sections 420, 506(i) of IPC in Crime No.17 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Ramachandran is that the petitioner along with her husband had induced the defacto complainant that they will get job for the son of the defacto complainant in TNPSC Group-II Non Interview Post and taken an amount of Rs.3.45 lakhs from him on various dates and thereafter, cheated him.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would submit that there was a money dispute between the petitioner's husband and the defacto complainant and that the defacto complainant had sent money to the petitioner's husband and the petitioner's joint account on various dates as loan. Thereafter, since the petitioner's husband did not repay the amount, a false complaint has been foisted against them as if, they have obtained money from the defacto complainant for arranging job in TNPSC. He would further submit that in fact the petitioner has already repaid a sum of Rs.1 lakh and only the balance amount of Rs.2.45 lakhs remains to be paid. Even as per F.I.R., the alleged amount is stated to have been paid through bank account and that the petitioner being a lady, has been suffering incarceration for 41 days as on today from 29.09.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner along with her husband, induced the defacto complainant and taken an amount of Rs.3.45 lakhs under the guise of arranging job for his son in TNPSC. He would further submit that an amount of Rs.1 lakh has been repaid to the defacto complainant. He would further submit that the husband of the petitioner is still absconding.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that an amount of Rs.1 lakh has already been repaid to the defacto complainant and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate-I, Virudhachalam, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on her release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
09/11/2020

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 JUDICIAL MAGISTRATE,
NO.1, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
DISTRICT CRIME BRANCH,
CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S ILAYARAJA KANDASAMY Advocate on payment of necessary charges SR.No.7383

CRL OP.17548/2020

Date :09/11/2020