

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 19929 of 2020

Saraswathi

... Petitioner/accused

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch Police Station,
Thiruvallur District.
[Crime No.23 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest by the respondent police in connection with Crime No. 23 of 2020, on the file of the respondent police.

For Petitioners: Mr.R.Sasikumar

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

ORDER

(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, 417, 420 and 506(ii) of IPC, in Crime No. 23 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Arihant Gothi, is that one Subburaman(A1) has sold the property in the year 2008 and the sale deed was registered on 02.08.2008 in favour of the defacto complainant. After selling the property, A1/ Subburaman executed a settlement deed vide document No.9852 of 2013 before the Sub Registrar, Ponneri in favour of the petitioner, who is his wife. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she is a house wife. The learned counsel would further submit that without knowing the content of the document, the petitioner has signed the

document. The petitioner is the wife of A1 and A1 has been arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the wife of A1. A1 has been sold the property vide registered sale deed dated 02.08.2008 in favour of the defacto complainant. However, after five years had settled the same property in favour of his wife (A2). Later the petitioner mortgaged the property. However, he opposed for grant of anticipatory bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsel and the fact that the first accused has been arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 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 order copy is made ready, before the learned Judicial Magistrate-I, Ponneri, on condition that each 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, 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 two weeks and thereafter, as and when required for interrogation.

[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 petitioners 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.

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

-sd/-
22/12/2020

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-I,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.8599

CRL OP.19929/2020

Date :22/12/2020

MN-04/01/2021