

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.34409 of 2019

MARIA METTILDA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
CCB-1, TEAM,
CHENNAI-7.
CR. NO.137/2019.

[RESPONDENT]

For Petitioner : M/S.NIRANJAN S.KUMAR Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent- police for the alleged offences under Sections 409, 420, 506(i) r/w 34 of IPC in Crime No.137 of 2019 on the file of the respondent-police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a photo and video business and A-1, who is the husband of the petitioner was handling collection from the customers, who had taken assistance from the defacto complainant regrading marriage photography and video and for related functions. The said A1 had collected a sum of Rs.1,80,45,301 and had not given the amount to the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution. In fact neither the petitioner and her husband were informed about the complaint nor they were called for any enquiry and straight away a FIR was registered and the petitioner is not an accused in the FIR. In fact A1 had been appointed as collecting agent by the defacto complainant to help him in his business venture. However, to wreak vengeance, the case has been falsely foisted on A-1 alleging that he had collected Rs.1,80,00,000/- from the clients and has not repaid the amount to the defacto complaint. However, in order to show her *bona fide*, the petitioner is ready to deposit any reasonable amount that this Court may impose as a security for the grant of bail.

4.The learned Additional Public Prosecutor would submit that the accused had cheated a sum of Rs.1,80,00,000/-, however, the co-accused got bail by depositing a sum of Rs.30 lakhs to the credit of the Crime No. 38 of 2018 and, therefore, this Court may impose similar condition for grant of bail.

5.Taking into consideration the facts and circumstances of the case and submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her surrendering before the Metropolitan Magistrate for CCB and CBCID Metro Cases, Egmore, Chennai, within a period of fifteen days and on further condition that the petitioner executes 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 said Magistrate and on further condition that:

(a) if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

(b) the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the Crime No.137 of 2019 within a period of eight weeks from the date of receipt of a copy of this order.

(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) that after her release, she shall make herself available for interrogation as and when required.

(f) 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 petitioners 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/-

07/02/2020

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,
FOR CCB AND CBCID METRO CASES,
EGMORE, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
CCB-1, TEAM, CHENNAI-7.

+1 CC to M/S.NIRANJAN S.KUMAR Advocate on payment of necessary charges SR.NO. 2468

CRL OP.34409/2019

Date :07/02/2020

RD 11/02/2020