

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.484 of 2021

and crl.MP.NO.1362 of 2021

Nirmala

... Petitioner

-Vs-

State Rep by

The Sub- Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.1721 of 2020)

.... Respondent

BALAGURU

..PETITIONER/DEFACTO COMPLAINANT ORDERED
AS PER ORDER OF THIS COURT DATED
19/02/2021 MADE IN CRL.MP.NO.1362 OF 2021.

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of her arrest in Crime No.1721 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For Intervenor : Mr.D.R.Arun kumar

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences under Sections 406, 381, 34 of IPC, in Crime No.1721 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons had sold the medicines without receiving money and cheated the defacto complainant to the tune of Rs.3,00,000/- Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is no way connected with this crime and she has been falsely implicated in this case. He would further submit that the petitioner is working as a accountant and there is no previous case pending as against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons had sold the medicines without receiving money and cheated the defacto complainant to the tune of Rs.3,00,000/- He would further submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the investigation is also completed and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.1721 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.1, Udumalpet, 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, 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] before executing sureties, the petitioner shall deposit a sum of Rs.2,00, 000/- (Rupees Two lakhs only) to the credit of Crime No.1721 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police as and when required for interrogation.

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

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

[g] 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].

[h] 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/-

19/02/2021

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.I, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S. A.SATHISHKUMAR Advocate on payment of necessary charges Sr.2050

CC to M/S. D.R.Arun kumar Advocate on payment of necessary charges Sr.2012

CRL OP.484/2021

and crl.MP.NO.1362 of 2021

Date :19/02/2021

RVR 08/03/2021