

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.2565 of 2021

Sahaya Vigil

... Petitioner

Vs.

State Rep by the Inspector of Police,
Economic Offences Wing-II,
Chennai.

....Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioner in the event of her arrest in Crime No.5 of 2018 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 120(B) of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997 in Crime No.5 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband/A-3 is running a finance company/chit fund at Porur, Chennai, in which, the defacto complainant invested a total sum of Rs.83,925/-. After maturity period, he approached A3 and A3 has issued a cheque to the defacto complainant. When the cheque was presented in the bank, the bank officials returned the same citing insufficient funds in A3's account. Immediately, the defacto complainant rushed to the office of A3 and found that the office was closed. Hence the defacto complainant has given a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that she has been falsely implicated in this case. He further submitted that the petitioner is the wife of A3. Apart from that, she is not at all involved in the day-to-day affairs of the chit company.

4.The learned Government Advocate (Crl.Side) submits that the petitioner's husband/A3 had cheated the general public to the tune of Rs.95,00,000/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel, on instructions, submits that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs.20,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,00,000/- will be returned to her.

6.Considering the fact that the petitioner is ready to deposit the amount of Rs.20,00,000/- to the credit of the crime number in two equal installments, ie., Rs.10,00,000/-, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Spl.Judge under TNPID Court, Chennai, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the credit of Cr.No.5 of 2018 in two installments, ie., Rs.10,00,000/- shall be deposited within a period of four weeks from the date of receipt of copy of this order and the remaining balance amount of Rs.10,00,000/- shall be deposited within a further period of six weeks thereafter before the Spl.Judge, TNPID Court, Chennai, On such deposits being made, the learned Spl.Judge under TNPID Court, Chennai, shall obtain an affidavit of undertaking that from the defacto complainant in relation to the cheque amount to the effect that in the event of the accused coming out successful, the defacto complainant would return the amount to the accused and, thereafter, disburse the said amount of cheque to the defacto complainant within a period of two weeks thereafter;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

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

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

(f)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 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/-

15/06/2021

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 SPECIAL JUDGE UNDER
TNPID COURT, CHENNAI

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES
WING - II, CHENNAI.

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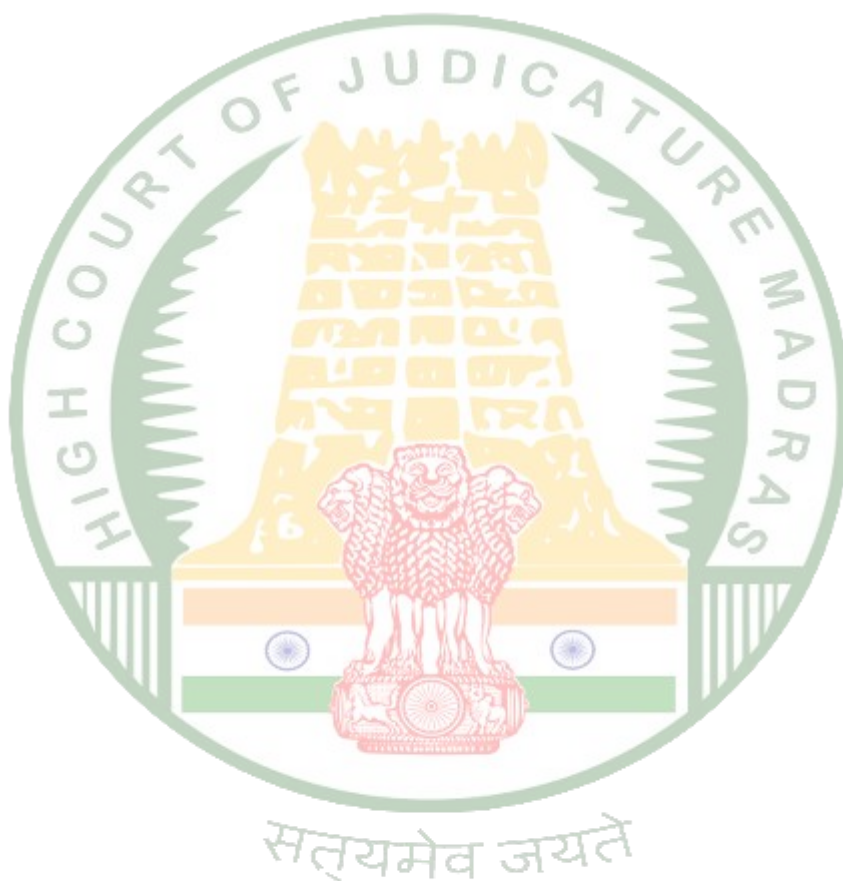
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.2565/2021

Date :15/06/2021

RVR 09/07/2021



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