

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1531 of 2021

KAVITHA

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.
CRIME NO. 3 OF 2018

For Petitioner : M/S K.BALU Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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 offence punishable under Sections 406, 465, 468 and 420 IPC in Crime No.3 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Rajesh lodged a complaint before the respondent police stating that A1 in the FIR had worked along with the defacto complainant in Singapore. When A-1 returned to his native place, he informed the defacto complainant that there are more vacancies available in other companies and he assured that he will arrange job for the defacto complainant and his friends. Believing the words of A1, the defacto complainant and 32 others have given an amount of Rs.66,00,000/- of which Rs.53,00,000/- have been handed over to A1 in cash and the remaining amount was deposited in the bank account of A2 to A4 by the petitioner and others as per the direction of A1. Thereafter, A1 has given visa and flight ticket for 30 persons, but they came to know that all those are fabricated documents. Therefore, the defacto complainant and others demanded A1 to return the amount, but A1 failed to return the same. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that A2 and the father-in-law of the petitioner herein are brothers. When A1 and A4 were in Singapore, one Santhosh, brother of A1 and A4 came to the petitioner's house and informed her that his brothers had sent money in her account and asked her ATM card so that he can withdraw the said amounts for which purpose the petitioner had given her ATM card. Hence she prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking into consideration the facts, as projected by either side and also considering the fact that there are no cases pending against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1 at Nagapattinam 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 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;

(b) the petitioner shall report before the respondent police 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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/04/2021

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 AT NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.

+1 CC to M/S K.BALU Advocate on payment of necessary charges
SR.No.4615

सत्यमेव जयते

WEB COPY

CRL OP.1531/2021

Date :08/04/2021

cs 16/04/2021