

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2889 of 2021

Vijaya

... Petitioner

-Vs-

State Rep by
The Inspector of Police,
Central Crime Branch,
Salem District
(Crime No.17 of 2019)

... Respondent

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.17 of 2019 is pending on the file of the respondent police.

For Petitioner : M/s.Louisal Ramesh
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences under Sections 409, 465, 468, 471 & 201 of IPC, in Crime No.17 of 2019, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that one Venkatesh Kumar/A1 who was working in Accounts Section in Salem Municipal Corporation, at Kondalampatty ward, had misappropriated the amounts to the tune of Rs.86,45,906/-. Insofar as the petitioner is concerned, she is the mother of A1. The allegation against the petitioner is that she has received a sum of Rs.3,00,000/- in her account from A1. 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. Since, she happens to be the mother of the main accused, she has been falsely implicated in this case. He would further submit that the co-accused have been arrested and thereafter they have been released on bail by the Lower Court. He would further submit that there is no previous case pending as against the petitioner and based on the confession of A1, this petitioner was implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that that one Venkatesh Kumar/A1 who was working in Accounts Section in Salem Corporation, Kondalampatty ward, had misappropriated the amounts to the tune of Rs.86,45,906/-. Insofar as the petitioner is concerned, she is the mother of A1. The allegation against the petitioner is that she has received a sum of Rs.3,00,000/- in her account through A1. He would further submit that the co-accused in this case were arrested and thereafter enlarged on bail by the Lower Court and there is no previous case pending as against the petitioner. However, he would vehemently oppose for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the fact that the co-accused have been released on bail and that 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 ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Salem, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/02/2021

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.IV, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM DISTRICT

CC to M/S.LOUISAL RAMESH Advocate on payment of necessary charges Sr.1786

CRL OP.2889/2021

सत्यमेव जयते Date :16/02/2021

RVR 25/02/2021

WEB COPY