

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5498 of 2021

Munira Begum

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
DCB, Cuddalore,
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case Crime No.5 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. B.Aravinthan

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 22.01.2021, for the offence punishable under Sections 406, 420 and 506(i) of IPC in Crime No.5 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A1. The case of the prosecution is that all the accused collected money from various persons under the guise of getting employment in foreign countries to the tune of Rs.9 lakhs and failed to get job and return the money. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is a house wife. A2, who is the husband of the petitioner, and A3, who is the broker, had received the money. Thereafter, A2 went to Dubai and he is still there and the petitioner is nothing to do with the offence and she has been falsely implicated in this case.

The petitioner is a heart patient and taking treatment and he is in jail from 22.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that the petitioner only collected money under the guise of getting job from the victims, however failed to do so.

5. Considering the facts and circumstances of the case, and the fact that the petitioner is a lady and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.5 of 2021 before the Judicial Magistrate No.I, Panruti, within a period of 15 days from the date of receipt of a copy of this order;

(b) On such deposit, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.I, Panruti, and on further conditions that:

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner, on release from the prison, shall report before the respondent police, as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-
26/03/2021

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, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DCB, CUDDALORE.

+1 CC to M/S.B.ARAVINTHAN Advocate on payment of necessary charges
SR.No.4128

WEB COPY

CRL OP.5498/2021

Date :26/03/2021

cs 29/03/2021