



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.11380 of 2021

Mrs.Kavitha

...Petitioner

Versus

State represented by
The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai 600 091,
Tamil Nadu.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.951 of 2020 pending before the respondent Police.

For Petitioners : Mr.G.Vijay Anand

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420 and 406 IPC in Cr.No.951 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that for securing Government job in the police department as a Deputy Superintendent of Police to the brother of the defacto complainant, the petitioner herein along with her husband received a sum of Rs.5,00,000/- from the defacto complainant and the money was deposited in the account of one Mr.Rajamani. When the defacto complainant enquired about the job, they did not provide any proper reply nor they returned the money to the defacto complainant. Then only, the defacto complainant came to understand that he was cheated by the petitioner along with her husband. Hence the complaint.



3.The learned counsel appearing for the petitioner submitted that the complainant has falsely alleged that the petitioner is the wife of one Arun Kumar, who had made false promise for obtaining the job as DSP. Originally, the name of the husband of the petitioner is Raj Mohan and the petitioner has also produced necessary documents to prove the said fact. He further submitted that there is no connection between the petitioner and the said Arun kumar, who has cheated the defacto complainant and even the petitioner has not seen him before. Further the amount paid by the defacto complainant for job has not been received by the petitioner herein, however, it has been credited to the account of Rajamani, who is unknown to the petitioner. He further adds that he did not receive any amount from the defacto complainant and the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. However, on instructions, the learned counsel submits that the petitioner, on her own volition, is ready and willing to contribute a sum of Rs.5,00,000/- to the Bar Council of Tamil Nadu for the welfare of the young lawyers and is not willing to pay any amount to the defacto complainant as she does not accept the allegations levelled against her by the defacto complainant in the complaint.

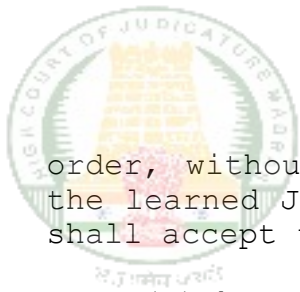
4.The learned Government Advocate (Crl.Side) submitted that the petitioner has defrauded the defacto complainant for a huge sum of money under the pretext of securing government job and hence he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the nature of the case and based on the undertaking given by the petitioner, I am 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 her appearance, within a period of four weeks from the date of receipt of a web copy of this order, before the learned Judicial Magistrate, Alandur, 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)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non refundable deposit of Rs.5,00,000/- (Rupees Five lakhs only) by way of Demand Draft to the Chairman, Bar Council of Tamil Nadu, High Court, Chennai, within a period of four weeks from the date of receipt of web copy of this



order, without prejudice to her defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;

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

-sd/-
07/07/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU (FOR INFORMATION.



3 THE CHAIRMAN,
BAR COUNCIL OF TAMIL NADU,
HIGH COURT, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
S-7, MADIPAKKAM POLICE STATION,
CHENNAI - 600 091,
TAMIL NADU.

CC to M/S. G.VIJAY ANAND Advocate on payment of necessary
charges

CRL OP.11380/2021

Date :07/07/2021

INBA 14/07/2021