

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12468 of 2021

Krithika

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
(Crime No.558 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of her arrest pending investigation in Crime No.558 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Javid Akbar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 342, 363, 387 and 394 of IPC in Crime No.558 of 2020 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and her husband Nirmal Gemini Kannan are alleged to have husband and wife, and they obtained loan from the defacto complainant for a sum of Rs.4.5 lakhs by pledging their car and bike with the defacto complainant and similarly they had executed promissory notes and attested blank stamp papers for the said loan, whereas, they have not paid the interest or the loan amount. When the same was demanded by the defacto complainant, they house-arrest the defacto complainant at their house, assaulted him with iron rod, robbed one gold chain, 6 Nos of gold ring, one bracelet and a sum of Rs.50,000/- . They also obtained his signatures in blank papers and taken a sum of Rs.1,00,000/- from car dash-board. Hence, the defacto complainant lodged a complaint against the petitioner before the respondent police.

3.The learned counsel appearing for the petitioner submits that a case in counter is pending against the A3 lodged by the petitioner's husband. The petitioner has no role in the above said cash transaction, whereas she has noway connected with the alleged occurrence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that due to a money dispute between the petitioner and the defacto complainant, a complaint came to be registered. He would further submit that it is a case and case in counter. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that is a case in counter, 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-II, 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) 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 daily at 10.30 a.m for a period of two weeks and thereafter 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 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;

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

-sd/-
20/07/2021

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,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THURAIPAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. M.I.JAVID AKBAR Advocate on payment of necessary charges S.R. NO. 7567

CRL OP.12468/2021

Date :20/07/2021

JPA 28/07/2021