



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.12532 of 2021

Rani

... Petitioner

Vs.

The State

Rep.by the Inspector of Police,

District Crime Branch,

Tiruvarur District.

(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail the petitioner in the event of arrest in connection with Crime No.5 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Jayaprakash

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

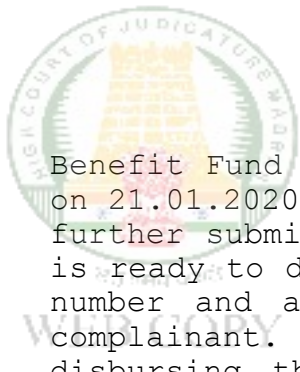
ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 of IPC, 1860 in Crime No.5 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused 1 to 3 and six others are running the finance company in the name and style of TVR Benefit Fund Ltd at Tiruvarur. Further alleged that the defacto complainant and his wife had a sum of Rs.1,00,000/- each as fixed deposit and received the two documents, pass book for the same. As on date, the defacto complainant and his wife withdrawn a sum of Rs. 62,000/- as an interest. On 24.10.2019, the defacto complainant asked the repayment of deposit amount, but the accused persons had not repaid the same and cheated the defacto complainant. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that she has been falsely implicated in this case. He further submits that the petitioner was just a formal Director to the company and had not accessed any of the transactions of the TVR



Benefit Fund Ltd and the petitioner had resigned the post of Director on 21.01.2020. Apart from that, the learned counsel, on instructions, further submits that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.2,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- will be returned to her.

4.Heard the submissions made by the learned Government Advocate (Cr1.Side).

5.Considering the fact that the petitioner is ready to deposit the amount of Rs.2,00,000/- to the credit of the crime number, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate,Tiruvarur, 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 shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.5 of 2021 before the Judicial Magistrate Court, Tiruvarur within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate , Tiruvarur shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- deposited by the petitioner to the credit of Cr.No.5 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)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;

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



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

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

(f) 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;

(g) 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,  
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVARUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges S.R. NO. 7642

CRL OP.12532/2021

Date :20/07/2021

JPA 28/07/2021