



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13372 of 2021

WEB COPY

Prema

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Omerabad Police Station,
Omerabadi, Thirupathur District.
(Crime No.83 of of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.83 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.G.Vinodhkumar

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 Section 420 and 506(i) of IPC in Cr.No.83 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was the member of umerabad co-operative society. She promised to get job for the son of the defacto complainant in the said society, for which, the petitioner has received a sum of Rs.4 lakhs from the defacto complainant. She neither given job nor return the money to the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and she has not been committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner has already paid a sum of Rs.1 lakh to the defacto complainant. However, on instructions, the petitioner is ready to deposit a sum of Rs.3 Lakhs within a period of two weeks in



favour of the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that the petitioner received a sum of Rs.4,00,000/- from the defacto complainant for securing job for his son in the said society. However, there is no recovery from the petitioner and there is no previous case pending against her.

5. Considering the facts and circumstances of the case and the petitioner is ready to pay some the amount which was received from the defacto complainant, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambur, 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 is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of Demand Draft to the credit of Crime No.83 of 2021, before the learned Judicial Magistrate, Ambur without prejudice to her defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. For a period of two weeks 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 petitioners 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/-

02/08/2021

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,
AMBUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION, OMERABAD,
THIRUPATHUR DISTRICT

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges SR.8064

CRL OP.13372/2021

Date :02/08/2021

RVR 10/08/2021