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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13777 of 2021

and

CrI.M.P.No.7793 of 2021

Vijaya Nirmala

... Petitioner

Vs.

State Rep by
The Inspector of Police,
CCB, Team - II EDF-1
1st Floor, Room No.1C,
Commissioner Office,
Vepery, Chennai 600 0072.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.345 of 2020 on the file of the respondent police.

For Petitioner : Mr.P. Pugalenth

For Intervenor : Mr.M.Velmurugan

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

ORDER

The petitioner who was arrested on 23.07.2021 and remanded to judicial custody for the offences under Sections 406, 420 and 506 (i) of I.P.C in Crime No.345 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and her husband had business dealings with the defacto complainant and the petitioner's husband failed to pay a sum of Rs.83,08,883 /-. It is further alleged that the petitioner also filed a petition before the Metropolitan Magistrate Court, George Town, Chennai and based on the complaint under Section 156(3) read with Section 10(1)(c) Cr.P.C , the present case has been registered.



3. The learned counsel for the petitioner submitted that the petitioner's husband is one of the partner in the firm and he used to place orders for the supply of garments with the defacto complainant and had periodically repaid the amounts. He further submits that on the date of the occurrence the petitioner only visited the premises, apart from she has nothing to do with the alleged offence. Hence he prays for grant of bail to the petitioner.

4. The learned counsel for the intervenor would submit that the accused persons paid only part of the amount there was a balance due payment to the tune of Rs.83,08,883/- Hence he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

6. Considering the facts of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner are ordered to be released on bail on his executing 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 *Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID, Metro cases, Egmore, Chennai* and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 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 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;

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



7. This order shall not be taken as Aid by the other co-accused for the purpose of seeking bail.

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-sd/-

11/08/2021

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 METROPOLITAN MAGISTRATE FOR EXCLUSIVE TRIAL
OF CCB CASES AND CBCID, METRO CASES,
EGMORE, CHENNAI.

2. THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION]

3. THE METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

4 THE INSPECTOR OF POLICE,
CCB, TEAM-II, EDF-1,
1ST FLOOR, ROOM NO.1C,
COMMISSIONER OFFICE,
VEPERY, CHENNAI.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAI, CHENNAI-66.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P.PUGALENTHI Advocate on payment of necessary charges

CRL OP.13777/2021

AND

CRL MP.7793/2021

Date :11/08/2021

CSK 12/08/2021