



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17919 of 2021

Susilamma

... Petitioner

Vs.

State Rep by
Inspector of Police,
Uddanappalli Police Station,
Krishnagiri District.
(Crime No.220 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.220 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

The petitioner who was arrested on 19.08.2021 and remanded to judicial custody for the offences under Sections 341, 294(b), 307 in Crime No.220 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has borrowed a sum of Rs.40,000/- from the defacto complainant and he had returned only Rs.25,000/- to her and failed to return the balance amount. Hence the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 19.08.2021. The learned counsel, on instructions, further submitted that the petitioner had already deposited a sum of Rs.25,000/- and is ready to deposit the balance amount of Rs.15,000/- to the defacto complainant. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the cheated the defacto complainant by not paying the borrowed amount. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner and further the petitioner on her own volition is prepared to deposit the balance borrowed amount of Rs.15,000/-, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on her 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 learned Judicial Magistrate-II, Hosur and on further condition that:

(a) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the defacto complainant by way of Demand Draft and produce the receipt of the same before the learned Judicial Magistrate-II, Hosur, at the time of executing sureties.

(b) 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;

(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 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;



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

WEB COPY

-sd/-
28/09/2021

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- II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
UDDANAPPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON,
SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.17919/2021

Date :28/09/2021

CSK 29/09/2021