IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19486 of 2020

SUDHA [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY, SALEM.
CR.NO.15/2020

For Petitioner : M/S.D.SIVAKUMARAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends at the hands of the respondent police for the alleged offence under Sections 420 and 506(i) of IPC in Crime No.15 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's husband Vimal is running Sahana Gold Company. He along with his parents solicited investment from the public by calling many investors by alluring attractive scheme that an investment of Rs.1 lakh will be returned as Rs.2,245/- per day for 90 days (i.e.Rs.2,02,050/- in 90 days) and that in another scheme, if Rs.1 lakh is invested 1 gram of gold would returned for 90 days. The defacto complainant, one Muniyammal invested Rs.28 lakhs, for which, Rs.3 lakhs only returned to the defacto complainant. Neither the balance amount nor gold coins were given to the defacto complainant. Subsequently, the said Vimal absconded. When the defacto complainant went to the house of the Vimal, his mother, father and brother scolded the defacto complainant and also abused her and also threatened her to do away and thereby cheated. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is wife of A1 and she has two daughters and that she has also given her jewels to her husband for the development of business. It is further submitted that the petitioner is also the victim in this case who lost 11 sovereigns. It is further submitted that she is in no way connected with the alleged offence and she has been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's husband deceived a sum of Rs.28 lakhs from the defacto complainant. However, there is no specific overt act attributed against the petitioner.

5. Taking into consideration the facts and circumstances of the case and on perusal of the FIR, it reveals that no allegations were made against the petitioner herein, 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 learned Judicial Magistrate IV, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 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.

-sd/-
19/04/2021

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.SIVAKUMARAN Advocate on payment of necessary charges SR.No.5096

CRL OP.19486/2020

Date :19/04/2021

cs 23/04/2021