



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19009 of 2021

M. MONISHA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
E1, MYLAPORE POLICE STATION,
CHENNAI.
(CRIME NO.1027/2021)

[RESPONDENT]

For Petitioner : M/S. V.JAI HARI SUDHAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC, 1860. in Crime No.1027 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had borrowed a sum of Rs.3,30,000/- from the defacto complainant and the same was not repaid. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submitted 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 submitted that she has settled the entire amount and no intention to cheat the defacto complainant. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to her rights, is ready to deposit the amount 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. Hence, they prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had borrowed a sum of Rs.3,30,000/- from the defacto complainant and the same was not repaid. He further submitted that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact the petitioner, on her own volition, is ready to deposit the amount of Rs.2,00,000/- to the credit of the crime number and there is no previous case pending against the petitioner, 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 Crime No.1027 of 2021 before learned XVIII Metropolitan Magistrate, Saidapet, Chennai, within a period of two weeks from the date of receipt of a copy of this order .On such deposit being made, the learned Magistrate, 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 Crime No.1027 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, 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 as and when required for interrogation.

(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.

-sd/-

08/10/2021

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
E1, MYLAPORE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S V.JAI HARI SUDHAN Advocate on payment of necessary charges SR.NO.11368

CRL OP.19009/2021

Date :08/10/2021

CSK 25/10/2021