

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.20530, 20531 & 20534 of 2020

AND CRL.M.P.Nos.1950 & 1952 of 2021

PUNITHAVATHI [PETITIONER / ACCUSED
IN ALL THE PETITIONS]

Vs

STATE REP. BY [RESPONDENT IN ALL THE PETITIONS]
THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
VELLORE DISTRICT.

For Petitioner : M/S.M. MACHAVATHARAN Advocate
[IN ALL THE PETITIONS]

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR
[IN ALL THE PETITIONS]

For Intervener : M/S.C.PRABAKARAN, Advocate
[IN ALL THE PETITIONS]

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

ORDER : The Court Made the following order :-

In all the three cases, the parties being common and the offences is also common under Sections 406, 420 and 506(i) of IPC these petitions are being disposed of by means of this common order.

2. The petitioner is A2. She was a devotee of one Santha Samigal, who was arrayed as A1 in this case. Earlier the defacto complainant is said to have given Rs.15,00,000/- to A1 for purchase of statutes, but A1 did not repay the amount. The petitioner being devotee of A1, is stated to have assured the defacto complainant that she will repay the amount with interest and gave three promissory notes each for Rs.5,00,000/- to the defacto complainant but failed to pay the amount. Hence the respondent police registered complaints against the petitioner.

3. Mr.M.Machavatharan, learned counsel appearing for the petitioner submitted that admittedly the money has been received by A1, at that time the petitioner as a devotee gave cheque to the defacto complainant as a gurantee. Now A1 has cheated him and he was also arrested and released on bail and subsequently he was detained under Act 14/1982. Hence seeking anticipatory bail, the petitioner has filed these petitions.

4. Mr.C.Prabakaran, learned counsel appearing for the intervenor/defacto complainant submitted that based on the assurance and guarantee given by the petitioner, he handed over the money to A1 for purchase of statutes, but he neither gave the statute nor repaid the money and the petitioner who had guaranteed for the money has also cheated the defacto complainant.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that A1 was arrested and subsequently detained under Act 14/1982 and investigation is pending.

6. Considering the facts and circumstances of the case, and the fact that the petitioner has only guaranteed for the money and admittedly money has been paid to A1 and now A1 has failed to repay the amount and he has been arrested and released on bail and now detained under Act 14 of 1982, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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 District Munsif cum Judicial Magistrate, Arcot**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two common sureties, 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 in each case, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(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) In each case the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) before the the learned District Munsif cum Judicial Magistrate, Arcot, to the credit of Crime Nos.881, 882 and 883 of 2020 respectively, within a period of two weeks from the date of receipt of a copy of this order.

(d) The petitioner shall appear before the respondent police, as and when required for interrogation.

(e) The petitioner shall not tamper with evidence or witness or in any manner obstructing investigation or trial.

(f) The petitioner shall not abscond either during investigation or trial.

(g) 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]**.

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, the Criminal Original Petitions are ordered.

-sd/-
18/03/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M. MACHAVATHARAN Advocate on payment of necessary charges SR.NO.3679

+1 CC to M/S.C.PRABAKARAN, Advocate on payment of necessary charges SR.NO.3678

CRL OP.20530, 20531 & 20534 of 2020
AND CRL.M.P.Nos.1950 & 1952 of 2021

Date :18/03/2021