



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20920 of 2021

1.S.Maheswari ... Petitioners
2.R.Dharmalingam
3.D.Keerthana @ Kirthika
4.D.Poobana

Vs.

State Rep. By ... Respondent
The Inspector of Police,
District Crime Branch,
Vellore District.
Crime No.13 of 2021.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.13 of 2021 on the file of the respondent.

For Petitioners : Mr.M.N.Balakrishnan
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)
For Intervenor : Mr.M.Mohammed Riyaz

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 & 506(i) of IPC, in Crime No.13 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have approached the defacto complainant and obtained loan for a sum of Rs.2,50,00,000/-, and had executed as much as 25 documents in favour of the defacto complainant and thereafter, they neither returned the money. Hence the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that A1 is an in-service Government Teacher, A2 is a Retd., Sub-Inspector of Police, A3 and A4 are unmarried girls, who are studying in college. He prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the investigation is at initial stage and the alleged amount involved is more than 2.5 crores. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and the investigation is at initial stage and the cheated amount involved is more than 2.5 crores, this Court is not inclined to grant anticipatory bail to the petitioners/A1 & A2. As far as A3 & A4 are concerned they are college going students, this Court is inclined to grant anticipatory bail to the petitioners/A3 & A4 with certain conditions. Accordingly, the petitioners/A3 & A4 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Vellore, on condition that the petitioners/A3 & A4 shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners/A3 & A4 and 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 petitioners/A3 & A4 are directed to report before the respondent police as and when required for interrogation.

[c] the petitioners/A3 & A4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners/A3 & A4 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 petitioners/A3 & A4 in accordance with law as if the conditions have been imposed and the petitioners/A3 & A4 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
22/11/2021

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.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE DISTRICT.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.13399

+1 CC to MR.M.MOHAMMED RIYAZ, Advocate on payment of necessary charges SR.NO.13214

CRL OP.20920/2021

Date :22/11/2021

TA-06/12/2021