



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

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

Crl.O.P.No.22759 of 2021

Banu @ Nabisha Banu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
The Nilgiris District.
Cr.No.4 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of her arrest by the respondent police, pending investigation of the case in the crime No.4 of 2021 on the file of the respondent.

For Petitioners : Mr.M.Vijaya Ragavan

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420 r/w Section 34 of IPC, in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner by giving false promise to arrange a job at abroad to the defacto complainant and his brother-in-law, due to which, the petitioner has received a money for a sum of Rs.3,20,000/-, but, the petitioner did not arrange any job as assured by her and committed cheating along with other accused and thereafter, she has been absconded. Hence, the complaint

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the petitioner had already cheated many members to the tune of Rs. 25,00,000/-. He further submitted that there are three previous cases pending as against the petitioner.

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5. The learned counsel, on instructions, submits that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs.5,00,000/- 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.5,00,000/- will be returned to her.

6. Considering the fact that the petitioner is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number, this Court is inclined to grant bail to the petitioner.

7. 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, Udagamandalam 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.5,00,000/- (Rupees Five Lakhs Only) to the credit of Cr.No.4 of 2021 shall be deposited within a period of six weeks from the date of receipt of copy of this order before the Judicial Magistrate, Udagamandalam, On such deposits being made, the learned Judicial Magistrate, Udagamandalam shall obtain an affidavit of undertaking that from the defacto complainant in relation to the cheque amount to the effect that in the event of the accused coming out successful, the defacto complainant would return the amount to the accused and, thereafter, disburse the said amount of cheque 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 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 petitioners 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/-

30/11/2021

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,
UDHAGAMANDALAM, NILGIRIS DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO.13702

CRL OP.22759/2021

Date :30/11/2021

TA-08/12/2021