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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

Cr1.O.P.No.23298 of 2021

Rani Elizabeth

.. Petitioner

Vs.

State Represented by
The Inspector of Police,
Central Crime Branch
Job Racket Wing, Team IX,
Vepery, Chennai
(Crime No.495 of 2018)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail pending investigation in Crime No.495 of 2018 on the file of the respondent police

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.N.S.Sugunthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.11.2021 for the offences under **Sections 420, 506(i) of IPC r/w 34 of IPC**, in Crime No.495 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused/A1 received a sum of Rs.1,55,00,000/- from the defacto complainant and others assuring falsely for securing 5 post of Teachers in the Government School and admission of 2 M.B.B.S seats and thereafter, the accused neither secured the assured posts nor returned the amount received. When the matter was complained before the petitioner herein, she threatened the defacto complainant and others with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners submits that this Court has granted anticipatory bail to the petitioner with condition to deposit Rs.75,00,000/- cash and due to covid-19 pandemic situation, the petitioner was not able mobilize the funds and hence, she was not able to comply with the conditions and furnish sureties. Due to the non-compliance of the Court Order, the petitioner was arrested on 03.11.2021 and remanded to judicial custody. In the meanwhile, the husband of the petitioner expired leaving behind the two minor daughters. He further submits that the petitioner has been suffering incarceration for more than 35 days from 03.11.2021.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting bail to the petitioner by stating that accused/A1 received a sum of Rs.1,55,00,000/- from the defacto complainant and others assuring falsely for securing 5 post of Teachers in the Government School and admission of 2 M.B.B.S seats and thereafter, the accused neither secured the assured posts nor returned the amount received. When the matter was complained before the petitioner herein, she threatened the defacto complainant and others with dire consequences.

5. The learned counsel, on instructions, submits that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs.35,00,000/- 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.35,00,000/- will be returned to her.

6. .Considering the fact that the petitioner is ready to deposit the amount of Rs.35,00,000/- to the credit of the crime number on the file of the respondent police, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned CCB and CBCID Metropolitan Magistrate Court, Egmore, Chennai** and on further condition that:

(a) the petitioner shall deposit a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs Only) to the credit of Cr.No.495 of 2018 within a further period of six weeks thereafter before the **CCB and CBCID Metropolitan Magistrate Court, Egmore, Chennai**, On such deposits being made, the learned **CCB and CBCID Metropolitan Magistrate Court, Egmore, Chennai**, shall



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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 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) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders ;

(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/-

08/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CCB AND CBCID METROPOLITAN MAGISTRATE
COURT, EGMORE, CHENNAI



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
JOB RACKET WING, TEAM IX,
VEPERY, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN)
PUZHAL, CHENNAI.

+1 CC to M/S.G.MOHANA KRISHNAN Advocate on payment of necessary
charges SR.NO.14305

CRL OP.23298/2021

Date :08/12/2021

TA-09/12/2021