



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

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

Crl.O.P.No.23416 of 2021

J.Yamini @ Anitha

... Petitioner

Vs.

The Inspector of Police  
Central Crime Branch-I,  
Vepery  
Chennai  
(Ref.Cr.No.118 of 2021 dt.17.05.2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.118 of 2021 on the file of the Inspector of Police, Central Crime Branch-I, Chennai.

For Petitioner : Mr.G.Prabhakaran

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.11.2021 for the offences under Sections 406, 420 and 34 IPC in Crime No.118 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the wife of A1. The petitioner along with other accused under the false promise of obtaining job in the Chennai Port Trust to the son of the defacto complainant, have obtained a sum of Rs.54 lakhs from him and thereafter, cheated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence said to have been committed by her then husband and the other accused. The



petitioner is working as Clerk in the Indian Overseas Bank from 2011 onwards and she has got a son aged 14 years. Due to the subsequent conduct of her husband/A1 who married another girl and leading an illegal life with her, the petitioner separated from him and the petitioner is no way connected with the offence committed by her husband/A1 and that she has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 34 days from 03.11.2021 and that the petitioner is ready to deposit a substantial amount to the credit of crime number without prejudice to her rights and contentions and would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised strong objection stating that it is a case of job racketing. The petitioner's husband/A1 has lured the defacto complainant to part with their money and the petitioner being the wife of A1 has supported him and given assurance to the defacto complainant for getting employment in the Government Sector. He would further submit that there are totally two victims and a sum of Rs.64 lakhs have been cheated and A4, A5 and A6 are still absconding and that the investigation is under progress.

5. A perusal of records reveals that the petitioner is the wife of A1 and she has already issued a notice against her husband that he is leading a life with another girl and she also separated from him for more than 1 ½ years. Further as per remand report, the petitioner's husband/A1 was arrested from Kolathur and the petitioner has been arrested from T.Nagar. Since, she is being a staff of Indian Overseas Bank, this Court is of the opinion that if she is released on bail, there will not be any chance of absconding.

6. Considering the above facts and the submissions of the learned Counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.118 of 2021 and on such deposit, the petitioner is ordered to be released on bail on her 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 Metropolitan Magistrate, CCB & CBCID (Metro Case) Egmore, Chennai, and on further conditions that:

(a) 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 petitioner shall report before the respondent police, on every Tuesday and Sunday at 10.30 a.m. until further orders and co-operate for the investigation.

(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/-  
06/12/2021

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 METROPOLITAN MAGISTRATE,  
CCB & CBCID (METRO CASE) EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE  
CENTRAL CRIME BRANCH-I, VEPERY, CHENNAI.

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



5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.G.PRABHAKARAN  
charges SR.NO.14069

Advocate on payment of necessary

CRL OP.23416/2021

Date :06/12/2021

JPA 06/12/2021