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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Cr1.O.P.No.24334 of 2021

Asha

... Petitioner

Vs.

State by
The Inspector of Police
Race Course Police Station,
Coimbatore District.
Crime No.838 of 2021.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of her arrest pending investigation in Crime No.838 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.D.Sudharsanam

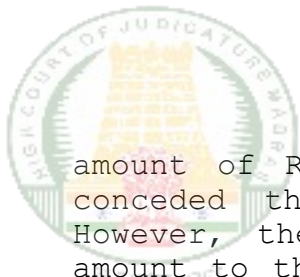
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No.838 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A2. The petitioner along with other accused A1, cheated the defacto complainant, rented two cars on a contract basis. Thereafter, the petitioner neither paid the monthly rent nor returned the vehicle. Hence, the complaint.

3. The learned counsel for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to her rights, is ready to deposit the



amount of Rs.50,000/- 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.50,000/- will be returned to her. He prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.III, Coimbatore**, on condition that the petitioner 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 and on further condition that:

(a) **the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only)** to the credit of Cr.No.838 of 2021 before the learned Judicial Magistrate No.III, Coimbatore, within a period of three weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate No.III, Coimbatore, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.50,000/- deposited by the petitioner to the credit of Cr.No.838 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount 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 being a lady, shall report before the respondent as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners 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/-

21/12/2021

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 JUDICIAL MAGISTRATE,
NO.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE DISTRICT.

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+1 CC to M/S. D. SUDHARSANAM Advocate on payment of necessary
charges SR.NO.15272

CRL OP.24334/2021

Date :21/12/2021

TA-27/12/2021