



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25723 of 2021

Nirmala

... Petitioner

Vs.

State rep by
The Inspector of Police
Vadavalli Police Station,
Coimbatore District.
Crime No.659 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.659 of 2021 on the file of the respondent.

For Petitioner : M/s.S.N.Arun Kumar

For Respondent : Mr.A.Gokulakrishnan
Government Advocate

ORDER

The petitioner was arrested for the offences under Sections 294 (b), 323, 506(i) and 420 of IPC, in Crime No.659 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein being mother in law of the defacto-complainant is arrayed as A3 in this case. The defacto complainant who is none other than the wife of the A1 has preferred a complaint before the respondent police alleging that A1/husband of defacto complainant has borrowed money from his wife as well as from her relatives which was not repaid by A1. In this regard, due to difference of opinion, HMOP No.1017 of 2021 was filed before the Principal Family Court, Coimbatore. Thereafter, the present FIR has been registered by the defacto complainant against her husband (A1) and in-laws A2 & A3 as a revenge. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He would further submit that the petitioner being the elder member of the family had taken her best efforts to reunion of A1 and defacto complainant, however ended in vain is the only role of the petitioner. Hence, the petitioner is falsely implicated in the above case and further, the petitioner is ready to co-operate for the investigation. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner was arrested based on the complaint filed by the defacto-complainant. Investigation is on in this regard.

5. Having considered the facts and circumstances of the case, the fact that the investigation is under progress and also 1st Accused is said to have cheated for the tune of Rs.14 Lakhs by way of borrowing money and jewels and the petitioner herein being a mother in law of the defacto-complainant, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.659 of 2021 and on such deposit, 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 Judicial Magistrate VI, Coimbatore 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 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/-
23/12/2021

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 JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION],

3 THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION, COIMBATORE
DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to MR.S.N.ARUN KUMAR, Advocate on payment of necessary charges SR.NO.15581

CRL OP.25723/2021

Date :23/12/2021

JPA 23/12/2021