



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.191 of 2022

1.Subhangi @ Sumangi

2.Namdev @ Ramdev

... Petitioners

Versus

State by its,  
Inspector of Police,  
Chidambaram Town Police Station,  
Cuddalore District.  
(Crime No.1250 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of their arrest in Crime No.1250 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.G.Senthilkumar

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

For Intervener : Mr.S.Prabhu

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 420 of IPC, in Crime No.1250 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the other accused had received a sum of Rs.3,00,000/- from the defacto complainant for the purpose of making jewels. Thereafter, the petitioners neither given the jewels nor returned the money, which led to the filing of the complaint. Further, the petitioners and other accused cheated the defacto complainant, who is a senior citizen, aged about 75 years. Hence, the complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to deposit a sum of Rs.2,00,000/- to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners and other accused had cheated the defacto complainant to a tune of Rs.3,00,000/- for making gold chain and the investigation is still pending. He further submits that the defacto complainant is a senior citizen, who is aged about 75 years. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners are directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.1250 of 2021 before the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below and the defacto complainant is not permitted to withdraw the same.

[b] the petitioners and 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 petitioners are directed to appear before respondent police daily at 10.30 a.m., until further orders.

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
07/01/2022

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.II, CHIDAMBARAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
CHIDAMBARAM TOWN POLICE STATION,  
CHIDAMBARAM, CUDDALORE DISTRICT



4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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+1 CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary  
charges SR.NO.410

CRL OP.191/2022

Date :07/01/2022

JPA 12/01/2022