

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.396 of 2022

M.Latha

...Petitioner

Versus

The State Represented by;
The Inspector of Police,
District Crime Branch,
Vellore - 632009.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police in Crime No.17 of 2021, pending investigation on the file of the respondent police.

For Petitioner : Mr.V.Karthic
Senior Counsel
For Mr.S.Prasanth

For Respondent : Mr.A. Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) IPC, in Crime No. 17 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner borrowed money a sum of Rs.45,00,000/- from the defacto complainant. Thereafter, she did not repay the said amount. Hence this complaint.

3. The learned counsel for the petitioner submitted that the petitioner is working as a Teacher in a Government School and no amount was borrowed from the defacto complainant and the petitioner has been falsely implicated in this case. He further submitted that the second accused has been released on bail in two cases on

22.11.2021. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had borrowed money from the defacto complainant for a sum of Rs.45 lakhs and thereafter, she did not repay the said amount. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsels, she being Government School Teacher, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.17 of 2021 on the file of The Inspector of Police, District Crime Branch, Vellore - 632009, and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lock-down or the commencement of the Court's normal functioning whichever is earlier before the learned Judicial Magistrate-I, Vellore, on condition that the petitioner shall execute 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 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 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;

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

[c] the petitioner shall co-operate for the investigation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court herself 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/-

12/01/2022

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.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE-632009.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.PRASANTH Advocate on payment of necessary charges
SR.NO.774

CRL OP.396/2022

Date :12/01/2022

RW 27/01/2022