



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1480 of 2022

E.Kalaivani

.. Petitioner

Vs.

The State Represented by
Inspector of Police,
Pollachi East Police Station,
Coimbatore District.
(Crime No.51 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 her arrest by the respondent police concerned in Crime No.51 of 2021 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.S.N.Arunkumar

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 Section 420 of IPC in Crime No.51 of 2021 pending trial on the file of the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had purchased two plots from the petitioner to the tune of Rs.12,00,000/- Further, the petitioner executed sale in the capacity of power of attorney given by the land owners namely Veerappagounder and 10 others. Thereafter, the defacto complainant sold one plot to one Divya Bharathi on 31.07.2020. On 19.12.2020, when the defacto complainant took encumbrance certificate and she found that plot No.63 was stands in the name of one Ramajothi vide sale deed Document No.1675 of 1995 dated 27.03..1995. Thereafter she came to know that the petitioner suppressed the earlier sale of plot No.63 in 1995 and sold the same to the defacto complainant. Hence, the petitioner had cheated the defacto complainant and threatened her with dire consequences.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that the suit was also pending in O.S.No.33 of 2021 on the file of the learned District Munsif Court, Pollachi and she has no intention to cheat the defacto complainant. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had received the money from the defacto complainant and cheated her. He further submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the petitioner is ready and willing to deposit a sum of Rs.5,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory 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.51 of 2021, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the **learned Judicial Magistrate Court No.1, Pollachi**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Cr.No.51 of 2021 before the learned Judicial Magistrate Court No.1, Pollachi, within a period of fifteen (15) days from the date on which, the order copy was made ready. On such deposit being made, the learned Judicial Magistrate Court No.1, Pollachi, 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.5,00,000/- deposited by the petitioner to the credit of Cr.No.51 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to appear before the respondent police as and when required for interrogation. .

[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 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]**.

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

-sd/-
24/01/2022

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, POLLACHI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLLACHI EAST POLICE STATION,
COIMBATORE DISTRICT.

5 THE DISTRICT MUNSIF COURT,
POLLACHI.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO.1105

CRL OP.1480/2022

Date :24/01/2022

TA-04/02/2022