



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3856 of 2022

1 KALAIVANI
2 SASIKALA @ SUSILA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE SUB-INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.
(CRIME NO.504 OF 2018)

[RESPONDENT]

For Petitioners : M/S.C.VIDHUSAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420 & 506(1) of IPC, in Crime No.504 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that believing the words of the petitioners, the defacto complainant had paid a sum of Rs.5,00,000/- to them for investing the same in the business of 1st petitioner's husband, who was doing business at Dubai and alleging that the petitioners had cheated him, the defacto complainant has lodged a complaint before the respondent police. Hence, the Law Enforcing Agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that in the alleged occurrence the 2nd petitioner herein, who is the mother of



the 1st petitioner did not receive any amount from the defacto complainant, but the respondent police had added the 2nd petitioner also as an accused and accordingly, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits that in the alleged transaction, after believing the words given by the 1st petitioner, the defacto complainant has given the amount only to the 1st petitioner and not to the 2nd petitioner. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considered the submissions made by the learned Counsels on either sides.

6. The averments found in the FIR and the submission made by the learned Government Advocate would reveal the fact that the 1st petitioner alone has received the total sum of Rs.5 Lakhs from the defacto complainant and not the 2nd petitioner. Therefore, in the absence of any incriminating materials against the 2nd petitioner, at present, this Court cannot hold that the 2nd petitioner also participated in the alleged offence.

7. Therefore, taking into consideration the above aspects, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone. On the other hand, the anticipatory bail petition in respect of the 1st petitioner is dismissed.

8. Accordingly, the 2nd 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 Chief Judicial Magistrate, Perambalure, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) if the 2nd petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the 2nd 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 2nd petitioner shall report before the respondent police daily at 10.00 a.m., for a period of fifteen(15) days and thereafter as and when required.

(d) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/02/2022

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 CHIEF JUDICIAL MAGISTRATE
PERAMBALURE.

2 THE SUB-INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.VIDHUSAN Advocate on payment of necessary charges
SR.NO.2549

CRL OP.3856/2022

Date :17/02/2022

JPA 21/02/2022