



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Crl.O.P.No.1770 of 2022

Sudha

...Petitioner

Vs.

State rep. by
The Inspector of Police,
S11-Tambaram Police Station
Chennai
Crime No.957 of 2019

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.957 of 2019 on the file of the Respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.N.S.Suganthan
(Government Advocate Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 406 and 420 of IPC in Crime No.957 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working in SBICAP Securities from State Bank of India and when the defacto complainant approached the bank for investment plan, the petitioner along with one Bala misappropriated a sum of Rs.7 lakhs from the defacto complainant. 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 she has been falsely implicated in this case. He would further submit that A1 has been granted bail by this Court and the petitioner has been suffering incarceration for more than 30 days from 29.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that the petitioner is arrayed as A2 and she is the sister-in-law of A1 and they both



misappropriated a sum of Rs.7 lakhs belongs to the defacto complainant under the guise of investment but admits that A1 has been granted bail and the investigation is almost completed.

6. Considering the above facts and circumstances of the case and the fact that A1 has been granted bail and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the credit of Crime No.957 of 2019 and on filing of proof of such deposit, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned No.I Judicial Magistrate, Tambaram, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) on filing of undertaking affidavit.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

31/01/2022

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, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
S11- TAMBARAM POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to D.PADMANABHAN Advocate on payment of necessary charges
Sr.1414

CRL OP.1770/2022

Date :31/01/2022

RVR 01/02/2022