



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3051 of 2022

RAMYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM CITY.
CR.NO. 16 OF 2022.

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN 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 offences punishable under 294(b), 420 & 506(ii) of IPC in Crime No.16 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's husband and the defacto complainant were friends. The petitioner's husband introduced one Suresh and Karikaalan @ Boopathi to the defacto complainant and under the influence of Ilangovan, who was the Chairman of the Co-operative Society, they arranged for Aavin Tender. For that purpose, the petitioner's husband demanded a sum of Rs.30 lakhs, for which, the defacto complainant denied the same at initial stage and on further compulsion of the petitioner's husband and also believing the words of the said persons, the defacto complainant gave Rs.19,50,000/- to the petitioner's husband. The petitioner's husband neither arranged for an Aavin tender nor returned the money. While so, on 31.10.2021 at about 6.00 a.m., the defacto complainant went to the petitioner's house and demanded to return the money, at that time, this petitioner abused him and threatened him with dire consequences. Hence, this case.



3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that in the alleged occurrence the role played by the petitioner is very limited and she has not received any amount from the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised an objection stating that the amount which was mis-appropriated in the alleged occurrence is not recovered sofar. He vehemently opposed for the grant of anticipatory bail to the petitioner.

5. The submission made by the learned counsel on either side is considered.

6. Taking into consideration of the fact that the offence committed by the petitioner is not a serious one and further the petitioner has not received money from the defacto complainant. Therefore, custodial interrogation is not necessary and hence considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 before the learned Judicial Magistrate-I, Salem 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 conditions that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m , for a period of 30 days.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



WEB COPY

[e] 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].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/02/2022

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 JUDICIAL MAGISTRATE,
NO.I, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.3051/2022

Date :09/02/2022

RVR 18/02/2022