



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

WEB COPY

CORAM:

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

Crl.O.P.No.3481 of 2022

V.Jayanthi

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
District Crime Branch,
Erode.
(Crime No.11 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.11 of 2021, on the file of the respondent Police.

For Petitioner : Mr.D.Raghu

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120B, 408 and 420 of IPC, in Crime No.11 of 2021 on the file of the respondent seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A10 is the wife of A3. The case of the prosecution is that the petitioner along with accused persons had received a sum of Rupees Two Crores from the 350 members of the Netaji Daily Vegetable Market Association under the guise of buying lands. Thereafter, the accused persons neither gave the land nor returned the money. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is no way connected in this case and she has been falsely implicated in this case. He further submitted that the petitioner implicated only because of being the wife of A3. He further submitted that the co-accused was already released on bail in Crl.O.P.No.1626 of 2022. However, on her own volition, without prejudice to her rights, petitioner is ready to deposit a sum of Rs.25,00,000/- in the crime



No.11 of 2021. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is the member of the Netaji Daily Vegetable Market Association Society. The petitioner along with other accused persons collected a sum of Rupees Ten Crores from 350 vendors of that Society under the pretext of providing house plots to them. Subsequently, they failed to provide house plots and cheated the above said money. He further submitted that the investigation is almost completed. Hence, he vehemently opposed for grant of bail.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is being the woman and the co-accused also released on bail and the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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.II, Erode**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties 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.25,00,000/- (Rupees Twenty Five Lakhs Only) in the account of **Netaji Daily Market vendor Association, Erode**, within three weeks from the date of receipt of copy of this order. On such deposit, the petitioner is order to be released on bail, failing which, the bail granted by this Court stands canceled automatically;

[b] 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;

[c] **the petitioner shall report before the respondent police as and when required for an 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 has been imposed and the petitioner is 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/-
10/03/2022

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.II, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE.

5 THE NETAJI
DAILY MARKET VENDOR ASSOCIATION,
ERODE.

+1 CC to M/S.D.RAGHU Advocate on payment of necessary charges
SR.NO.3688

CRL OP.3481/2022

Date :10/03/2022

TA-16/03/2022