



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3614 of 2022

M.V.GOMATHI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM,
SALEM CITY,
(CRIME NO.480 OF 2021)

[RESPONDENT]

For Petitioner : M/S J.JAYAN, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 420, 294(b) and 506(i) of IPC in Crime No.480 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and her husband canvassed the defacto complainant to invest money in their jewellery business for 35% profit. Believing their words, the defacto complainant had invested huge money and the same was not returned by the first accused and the petitioner. The first accused also threatened the defacto complainant and scolded him. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent lady and she has been falsely implicated in this case. He would further submit that in the alleged occurrence, in order to run the business, the defacto complainant had



invested some amount and later due to loss in the business, the husband of the petitioner was unable to pay the same. He further submits that the petitioner's husband has already been arrested and released on bail. Hence, the alleged offence has not been committed with the intention to cheat the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

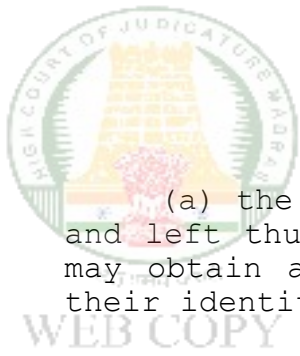
4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However, he admits that both the petitioner and the defacto complainant are relatives and the present case has been registered for the business affairs having by the defacto complainant with the petitioner.

5. Submissions made by the learned counsels appearing on either sides are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 420, 294(b) and 506(i) of IPC. As of now, the first accused who is the husband of the petitioner herein was arrested and remanded to the jail. In otherwise, the averments shown in the First Information Report shows that without any written document, the defacto complainant, by believing the words of the petitioner and her husband, paid a sum of Rs.10,00,000/- with the intention to receive the profit in business, which was running by the accused. Therefore, whether the said amount received by the petitioner's husband with intention to cheat the defacto complainant or not has to be decided only during the time of trial. In otherwise, after securing the prime accused, the custodial interrogation of his wife who is the present petitioner may not be necessary in this case.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the 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 Judicial Magistrate No.V, 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 condition that:



(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(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;

(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]; and;

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

-sd/-
15/02/2022

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.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM, SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.2358

CRL OP.3614/2022

Date :15/02/2022

RW 18/02/2022