



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5540 of 2022

HEMAMALINI

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
THIRUVALLORE.  
CRIME NO. 42/2021.

[ RESPONDENT ]

For Petitioner : M/S. T.SARAVANAN Advocate

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

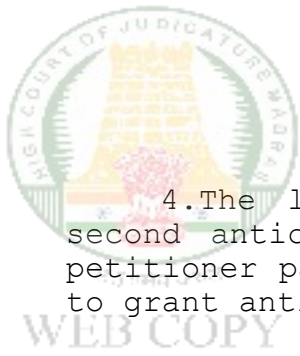
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 34 of IPC in Cr.No.42 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have borrowed loan for Rs.10 Lakhs at 2% interest per month from the defacto complainant after executing Rs.100/- stamp paper with promissory note conditions and thereafter, cheated the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. On instructions, the learned counsel submitted that on his own volition, he is ready to pay a sum of Rs.5,00,000/- in favour of the defacto complainant and prays for grant of anticipatory bail.



4.The learned Government Advocate submitted that this is the second anticipatory bail application of the petitioner and if the petitioner pays money to the defacto complainant, he has no objection to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submission made on either side, 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 on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Thiruvallore District, within a period of four weeks from the date of receipt of a copy of this order and on further condition that:

(a) the petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of cash/ demand draft to the credit of Crime Number, before the learned Judicial Magistrate-I, Thiruvallore without prejudice to her defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court. If the petitioner succeeds in his case, the defacto complainant shall return the amount to the petitioner, which will be withdrawn by her.

(b)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;

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

(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 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;



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

WEB COPY

-sd/-  
16/03/2022

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. I, THIRUVALLORE DISTRICT.

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

3 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
THIRUVALLORE,

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. T.SARAVANAN Advocate on payment of necessary charges

CRL OP.5540/2022

Date :16/03/2022

RW 23/03/2022