



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

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5936 of 2022

NANDHINI

[PETITIONER / ACCUSED 2]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVOTTIYUR POLICE STATION,
CHENNAI DISTRICT.
(CRIME NO.248 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.SILAMBU SELVAN 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 petitioner, who apprehends arrest for the alleged offences under Sections 406, 417 & 420 of IPC in Crime No.248 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The First Information Report indicates that three cheques given by the defacto complainant as security being presented fraudulently by the petitioner herein and also proceedings under Section 138 of the Negotiable Instruments Act has been initiated against the defacto complainant. Whereas the petitioner states that the defacto complainant borrowed the money from the petitioner, for which, the cheques were issued and the same was presented for collection in her name. To avoid the payment and prosecution under Section 138 Negotiable Instruments Act, a false complaint has been given.

3. Considering the nature of the complaint and the defence taken by the petitioner, this Court is of the view that there is no necessity for arrest and custodial interrogation of the petitioner.



4. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.1, Thiruvottiyur on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall report before the Investigating Officer as and when required and shall co-operate for investigation;

(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 petitioners 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/-

15/03/2022

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, THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVOTTIYUR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary
charges SR.No.3979

CRL OP.5936/2022

Date :15/03/2022

CSK 22/03/2022