



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.9584 of 2022

S.KARTHIKESWARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
H8, THIRUVOTTRIYUR POLICE STATION,
THIRUVOTTRIYUR,
CHENNAI 600 019
CRIME NO.298/2022

For Petitioner : M/S V.RAMAMURTHY Advocate

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

For Intervener : M/S.R.RAJADURAI, Advocate

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 offences under sections 406 and 420 of IPC in Crime No.298 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and her husband had borrowed a sum of Rs.15 lakhs on 12.03.2018 and another sum of Rs.15 lakhs on 14.09.2018 from the defacto complainant for higher studies of their son. Suddenly, the husband of the petitioner died on 27.08.2020. Thereafter, when the defacto complainant had approached the petitioner and her son demanding the borrowal amount of Rs.30 lakhs, they assured to repay the same. Subsequently, on



25.05.2021, the petitioner and his son were absconded after selling their house. Thereafter, when the defacto complainant called them over phone to repay the borrowal amount, they were promising to repay the said amount. But, till date they did not repay the amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any such offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner and her husband had borrowed a sum of Rs.30 lakhs from the defacto complainant and thereafter, cheated him. He further submitted that the investigation is still pending and hence, he opposed to grant anticipatory bail to the petitioner.

5.A perusal of the First Information Report shows that the complaint was registered on 28.03.2022 before which on 22.02.2021 the complainant issued a notice to the husband of the petitioner namely Srinivasan through his Advocate, demanding a sum of Rs.62,49,260/- as balance amount with interest. The entire transaction seems to be a business transaction which has been given a criminal colour.

6.Considering the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvottriyur, Chennai, 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 their sureties shall affix their photographs and left thumb impressions 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 not tamper with evidence or witness either during investigation or trial;

(c)the petitioner shall co-operate with the investigation and report before the respondent Police Officer as and when required for interrogation;



(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 has 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/-

12/05/2022

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,
THIRUVOTTIYUR, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
H8, THIRUVOTTIYUR POLICE STATION,
THIRUVOTTIYUR,
CHENNAI-600 019.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S V.RAMAMURTHY Advocate on payment of necessary charges SR.NO. 7084

CRL OP.9584/2022

Date :12/05/2022

RW 16/05/2022