



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9542 of 2022

1 SASIKALA

[PETITIONERS / ACCUSED]

2 SENTHILNATHAN

Vs

STATE BY INSPECTOR OF POLICE

[RESPONDENT]

S-10 PALLIKKARANAI POLICE STATION,
CHENNAI.

(CRIME NO.305 OF 2022)

For Petitioners : M/S.R. RAJASEKARAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(1) of IPC in Crime No.305 of 2022, seek anticipatory bail.

2.The petitioners herein are the wife and brother in law of the first accused against whom, the complaint has been lodged alleging cheating.

3.The gist of the prosecution case is that one Mr.Rajendran as a Naturopathy Doctor had familiar with the first accused, who is the husband of the first petitioner alleged to have paid nearly Rs.33 lakhs for the second hand three Innova cars in which he has parted away Rs.13 lakhs and his friend Boopathi gave Rs.20 lakhs. These petitioners are also arrayed as the accused on the premise that the money paid by the victims were credited into the account of the petitioners being wife and brother in law and later point of time, some money had paid to the victims from their account.



4. Specifically, the statement of account furnished by the learned counsel appearing for the petitioners would show that the defacto complainant Rajendiran had paid Rs.13 lakhs into the account of the first accused Vijai and the friend defacto complainant Boopathi had paid Rs.20 lakhs into the account of the first accused Vijai. In turn from the first petitioner 's account, a sum of Rs.1.70 lakhs has been paid to the defacto complainant Rajendran and from the account of the second petitioner, Rs.1.25 lakhs has been paid to the defacto complainant Boopathy. Except these two transactions, there is no other incriminating materials against these petitioners to rope them in the said crime.

5. For the said reasons, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Alandur, on condition that each of the petitioners 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 learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) if the petitioners 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have 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.

WEB COPY

-sd/-
27/04/2022

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, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
S-10 PALLIKKARANAI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R. RAJASEKARAN Advocate on payment of necessary charges SR.NO.6409

CRL OP.9542/2022

Date :27/04/2022

JPA 02/05/2022