



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11725 of 2022

KARTHIGA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE STATION HOUSE OFFICER,
DCB, CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.32/2021

[RESPONDENT]

For Petitioner : M/S.N.U.PRESSANNA Advocate

For Respondent : A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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 offences punishable under Sections 420, 465, 468 and 471 of IPC in Crime No.32 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons induced the defacto complainant and received a sum of Rs.94,90,000/- to get a medical seat at Vellore Christian Medical College for the defacto complainant's son. Thereafter, they failed to get any medical seat and also refused to return the money, which they had received from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there are totally five accused persons in this case, of which, the petitioner is arrayed as Accused No.2, who is none other than the wife of the first accused. He further submitted that the petitioner was kept in dark after their marriage and that due to cruelty committed by the first accused, she was driven from the matrimonial home and she is staying with her parents. In fact, before registration of FIR, she filed a petition for divorce in H.M.O.P.No.356 of 2021 on the file of the Sub Court, Poonamallee, in which, she has specifically stated that the first accused in the name of a Trust collected money from general public to secure a medical seat by using the Trust name. Later, the petitioner came to



understand that the first accused received huge money from so many persons by giving false promise to get a medical seat in medical college. The first accused was arrested in various other cases. In fact, he was detained under Goondas Act. Therefore, the petitioner is no way connected with the first accused. He would further add that as per the confession of the de-facto complainant, one of the bank account stands in the name of the petitioner, in which, he had deposited a sum of Rs.5,00,000/- as directed by the first accused. Though the bank account stands in the name of the petitioner, she was never permitted to operate the account, since she was already driven from the matrimonial home. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that as instructed by the first accused the de-facto complainant deposited a sum of Rs.5,00,000/- in the Bank Account, which stands in the name of the petitioner. The first accused is the main accused and he has assured the victim to get a medical seat in Vellore Christian Medical College. The accused Nos.A3 to A5 are the friends of the first accused.

5. On perusal of records, it is seen that the petitioner had filed H.M.O.P.No.356 of 2021 for divorce on the ground of cruelty. The petitioner has categorically averred in the divorce petition that at the time of marriage, the first accused informed the petitioner that he is running a Trust and arranged to secure medical seat for the general public in the name of the Trust. Later, she came to understand that the first accused received huge sum of money from so many persons by false promise and that thereafter, he failed to obtain any medical seat and also refused to refund the money. It is also further stated that the first accused was arrested and detained under Goondas Act, due to the illegal activities committed by him.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Neyveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 as and when required for interrogation.

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
DCB, CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.N.U.PRESSANNA Advocate on payment of necessary charges SR.7310

CRL OP.11725/2022

Date :18/05/2022