



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11673 of 2022

B.VIJAYALAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, CHENNAI
EDF III, TEAM XXI A
VEPERY, CHENNAI 600 007.
CRIME NO.123 OF 2015

For Petitioner : M/S.C.D .JOHNSON Advocate

For Respondent : MR.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 406, 465, 468 and 420 read with Section 120 (B) IPC in Crime No.123 of 2015, on the file of the respondent police, seeks anticipatory bail.

2. There are totally four accused persons in the case and the petitioner is arrayed as A3, who is the wife of A2. A2 and A3, who are husband and wife had borrowed a loan from the *de facto* complainant Bank by mortgaging the property belonging to A1. Even at that time, the said property was leased to A4. The entire allegation is that the petitioner and her husband availed the loan without disclosing the lease deed executed in favour of A4. In fact, after default in repayment of the loan, the Bank have initiated the SARFAESI proceedings in O.A.No.152 of 2015. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences. Hence, he prays to grant anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A3, who is the wife of A2. Both the husband and wife borrowed loan from the *de facto* complainant Bank by mortgaging the property belonging to A1. The entire allegation is that the petitioner and her husband borrowed the loan without disclosing the lease deed executed in favour of A4. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and as custodial interrogation of the petitioner is not required in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Metropolitan Magistrate for the exclusive trial of CCB cases, Chennai**, 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of two weeks 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 report before the respondent police as and when required for interrogation;

(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 is 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/-

19/05/2022

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 METROPOLITAN MAGISTRATE,
FOR THE EXCLUSIVE TRIAL OF CCB CASES,
CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, CHENNAI
EDF III, TEAM XXI A,
VEPERY, CHENNAI 600 007

+1 CC to M/S.C.D .JOHNSON Advocate on payment of necessary charges SR.NO.7500

CRL OP.11673/2022

Date :19/05/2022

TA-24/05/2022