



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12209 of 2022

RAJESWARI @ REGINA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
R6, KUMARAN NAGAR POLICE STATION,
CHENNAI
CRIME NO.170 OF 2021

[RESPONDENT]

For Petitioner : M/S.T.S.SANKAR Advocate

For Respondent : M/S. 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 & 406 of IPC in Crime No.170 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a housewife, her entire bank account was operated by her husband. The complainant never known to the petitioner. The complainant used the petitioner's and her husband's bank accounts to send his business amount to Arun Arumugam (A3) and the petitioner's husband said that he received back from the Arun (A3) account more than his investment as profits. A1 was released by the learned Metropolitan Magistrate-XXIII, Saidapet, Chennai in Crl.M.P.No.192 of 2022.

3. Learned counsel for the petitioner further submitted that the petitioner pleaded this Hon'ble Court to grant anticipatory bail in the event of his arrest by the respondent police pending investigation in Crime No.170 of 2021.

4. Learned Additional Public Prosecutor submits that the first accused from online trading received a sum of Rs.40 lakhs and thereafter transferred the same in favour of A2 and A3.



5. Learned counsel for the petitioner further submitted that the petitioner is arrayed as A2. Even according to the case of the prosecution, the petitioner transferred amount in favour of A2 and in turn paid the entire amount to the de facto complainant. A1 to A3 were arrested and subsequently released on bail. As far as the petitioner is considered, who is none other the wife of the first accused and she has nothing to do with the allegation made by the prosecution. In view of the above, custodial interrogation is not required and this Court is inclined to grant anticipatory bail.

6. Considering the above facts and circumstances that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai- 600 015 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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.

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-sd/-

20/05/2022

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 XXIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI - 600 015.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
R6, KUMARAN NAGAR POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.S.SANKAR Advocate on payment of necessary charges
Sr.7777

CRL OP.12209/2022

Date :20/05/2022

RVR 25/05/2022