



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12535 of 2022

P.GEETHANJALI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
B9, SARAVANAPATTI POLICE STATION,
SARAVANAPATTI, COIMBATORE.
(CR.NO. 1116/2021)

For Petitioner : M/S. K.BALASUBRAMANIAM Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

For Intervenor : MR.A.RAGHURAMAN, 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 offences punishable under Sections 120(B), 406, 420 of IPC in Crime No.1116 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.1. The case of the prosecution is that the defacto complainant has lodged a complaint as against the petitioner and her father on 14.10.2021 for the occurrence took place on 18.05.2020. the petitioner along with her father(A1) went to the house of the defacto complainant and projected that he is the owner of the (20 lorries) lorry service. On 18.05.2020 the petitioner called the defacto complainant and informed him that a lady namely one Kamalam who is working in the lorry service has been hospitalized in the emergency ward due to labour pain and they are in urgent need of



money and due to lock down they are unable to arrange money, thereafter, A1 went to the house of the defacto complainant and requested Rs.1.25 lakhs on assurance that he will repay the said amount after lifting of lock down. Therefore, the defacto complainant has deposited the said amount to them on various occasions.

2.2. Thereafter, A1 approached the defacto complainant that he is under huge loss and planning to sell his lorries and also his land for a sum of Rs.4 crores. A1 further informed that his lodge is coming for lease and the lease amount is Rs.3.5 crores and requested the defacto complainant to join with him as partner and thereby the defacto complainant and his son deposited a sum of Rs.19.15 lakhs to the A1. While that being so, the defacto complainant came to know that cases were pending against A1 and he does not own any lorry. Hence, the defacto complainant contacted A1 to return the money, and A1 refused to return the money. Hence, this complaint.

3. The learned counsel for the petitioner would submit the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant who projected himself doing business of real estate and he informed A1 to arrange for a sum of Rs.10 lakhs so that they can get back his hotel at a cheaper rate. Believing the words of the defacto complainant, A2 has arranged a sum of Rs.10 lakhs and gave it to the defacto complainant. Further, the defacto complainant informed A1 that he has to pay a sum of Rs.18 lakhs to him and on 24.10.2020, A1 have lodged a complaint against the defacto complainant. However, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 is the father and the petitioner is the daughter of the A1 and both have cheated the defacto complainant. The petitioner was already there along with the first accused at the time of taking money from the defacto complainant. The Hon'ble Supreme Court of India vide its order dated 17.05.2022 extended time to deposit the said amount as directed by the trial Court. Already two cases are pending as against the petitioner. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. 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 Judicial Magistrate No.II, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 Morning at 10.30 a.m. and Evening at 5.30 p.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.

-sd/-

17/06/2022

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
B9, SARAVANAPATTI POLICE STATION,
SARAVANAPATTI, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.BALASUBRAMANIAM Advocate on payment of necessary
charges SR.No.9424

CRL OP.12535/2022

Date :17/06/2022

CSK 23/06/2022