



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13109 of 2022

MARIA METILDA

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
CCB-1, POLICE STATION,
CHENNAI-600 007.
CR.NO.137/2019.

[RESPONDENT]

For Petitioner : M/S NIRANJAN S.KUMAR Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

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 offence punishable under Sections 409, 420, 506(i) and 34 of IPC in Crime No.137 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein apprehending arrest in crime No.137 of 2019 on the file of the respondent police sought anticipatory bail before this Court in Crl.O.P.No.34409 of 2019 and this Court by an order dated 07.02.2020 granted anticipatory bail to the petitioner with the condition to deposit a sum of Rs.10,00,000/- to the said crime number. The petitioner failed to comply with the said condition and filed a new anticipatory bail petition in Crl.O.P.No.5303 of 2022 and this Court, while considering the petition noted that, earlier order dated 07.02.2020 has not been complied and after a lapse of two years, the present anticipatory bail petition has been filed and this matter relates to embezzlement of more than 1.8 crores and after getting protection by way of anticipatory bail, the petitioner has failed to comply with the order of this Court for the last two years. Therefore, even without complying the condition to deposit a



sum of Rs.10,00,000/- this petition has been filed, for the said reason this Court dismissed the petition on 27.04.2022.

3. The learned counsel for the petitioner would submit that the petitioner herein has drawn two Demand Drafts in favor of the Chief Metropolitan Magistrate, Egmore for a sum of Rs.1,00,000/- and 9,00,000/- respectively and therefore the conditions imposed in Crl.O.P.No.34409 of 2019 dated 07.02.2020 has been complied.

4. The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused cheated to the tune of Rs.1.8 crores and the petitioner has not cooperated with the investigation and is still at large.

5. In response to that the counsel for the petitioner states that the one of the accused in this case has moved an application under Section 482 of Cr.P.C to quash the complaint and the same is pending before this Court.

6. On cumulative assessments of the submissions, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Metropolitan Magistrate for CCB - CBCID cases, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.5,00,000/- (Rupees Five Lakhs 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 15 days 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 Demand Draft for a sum of Rs.10,00,000/- drawn by the petitioner herein shall be deposited in Crime No.137 of 2019 before the Chief Metropolitan Magistrate, Egmore, within period of two weeks from the date of receipt of a copy of this order.

(d) the petitioner shall report before the investigating officer as and when required for interrogation;



(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/06/2022

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 METROPOLITAN MAGISTRATE,
CCB, CBCID CASES, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-1, POLICE STATION,
CHENNAI-600 007.

+1 CC to M/S NIRANJAN S.KUMAR Advocate on payment of necessary charges SR.NO.8675

CRL OP.13109/2022

Date :08/06/2022

TA-14/06/2022