



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12590 of 2022

MARIYASELVAM

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

G-2, PERIAMET POLICE STATION,
KILPAUK, CHENNAI DISTRICT.

CRIME NO.118/2022.

For Petitioner : M/S.B.JANARTH KUMAR Advocate

For Respondent : MR. V.MEGANATHAN, Govt. Advocate (Crl. Side)

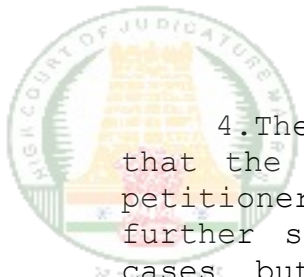
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420, 294(b) and 506(i) of IPC in Crime No.118 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner cheated the defacto complainant/Perayar Dr.Godfrey Washington Noble on the promise that she would get a job for the defacto complainant's son at Greece, for which she received a sum of Rs.8,50,000/- on various dates and all the payments were made through Bank. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant and the petitioner are known to each other and both of them belong to the same faith. He further submitted that the petitioner had some contacts in Greece and through them, she made arrangements for a job to the defacto complainant's son, but due to sudden Pandemic situation, the defacto complainant's son could not be placed in proper employment in Greece as planned, for which the petitioner cannot be blamed. He further submitted that the petitioner had already transferred the amount received from the defacto complainant to her contacts in abroad and the petitioner is facing proceedings initiated by the defacto complainant under Section 138 of Negotiable Instruments Act. He would also submit that already there are seven cases as against the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (crl. side) would submit that the defacto complainant paid a sum of Rs.8,50,000/- to the petitioner through Bank and the particulars were produced. He further submitted that though the defacto complainant had seven cases but that would absolve the petitioner from the above offence. He would also submit that the investigation has just commenced. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate No.II, Egmore, 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 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 appear 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/-

26/05/2022

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
NO.II, EGMORE, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
G-2, PERIAMET POLICE STATION,
KILPAUK, CHENNAI DISTRICT.

CC to M/S.B.JANARTH KUMAR Advocate on payment of necessary charges Sr.8093

CRL OP.12590/2022

Date :26/05/2022

rvr 30/05/2022