



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13112 of 2022

RAHAMUNISHA @ NISHA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
K8, ARUMBAKKAM POLICE STATION,
CHENNAI
(CRIME NO.208/2022)

[RESPONDENT]

For Petitioner : M/S.P.GOVINDARAJAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

For Intervener : M/S.MOHAMMED RIYAZ, 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 406, 420 and 506(i) of IPC in Crime No.208 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to money dispute the petitioner and the defacto complainant had quarrel between them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that it is a third application for anticipatory bail. He would further submit the petitioner is an innocent person and she has been falsely implicated in this case. However, the petitioner is ready to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) directly to the defacto complainant without prejudice to her rights of defence. That apart,



she had already lodged complaint and the same was registered in Crime No.53 of 2021 on the file of the Anna Nagar Police Station, Chennai as against 4 accused persons.

4. A perusal of the said FIR revealed that one Raghu had collected money from the petitioner and other persons to the tune of Rs.29,85,000/- and handed over to M/s Invensus Global Solution, Anna Salai, Mount Road, Chennai, owned by one Shibely Ahamed who is arrayed as A1.

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

6. Accordingly, the petitioner shall pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) directly to the defacto complainant by way of a Demand Draft, within a period of two weeks from the date of receipt of a copy of this order and on receipt of acknowledgement for the same, 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 "V Metropolitan Magistrate, Egmore", 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
07/06/2022

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,
NO.V, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K8, ARUMBAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.GOVINDARAJAN Advocate on payment of necessary charges SR.NO. 8541

+1 CC to M/S.MOHAMMED RIYAZ Advocate on payment of necessary charges SR.NO. 8580

CRL OP.13112/2022

Date :07/06/2022

RW-09/06/2022