



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.14226 of 2022

C.SUMATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCB, EDF-I, TEAM-II,VEPERY,
CHENNAI.
(CRIME NO.242/2021)

[RESPONDENT]

For Petitioner : M/S.M.MOHAMED RIYAZ Advocate

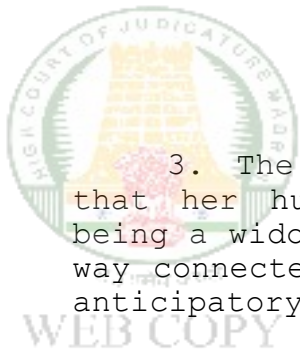
For Respondent : MR.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

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 offences punishable under Sections 406, 420 I.P.C. r/w Section 34 of I.P.C. in Crime No.242 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons sold the property in S.F.No.203/2, Rajas Garden, Vanagaram, Chennai in Plot No.106 and 106B to an extent of 2400 sq.ft. to the defacto complainant for one Divya, wife of Venkatesh in Crl.M.P. No.870 of 2022 in Crl.O.P. No. 1397 of 2022 for the consideration of Rs.61,49,000/- and also by receiving a sum of Rs.30 lakhs through bank transactions from one Gomathi, wife of Balaji in Crl.M.P. No. 851 of 2022 in Crl.O.P.No.1397 of 2022. Later, the defacto complainant came to know that the accused persons are not the absolute owners of the said property. Hence, the complaint.



3. The learned counsel appearing for petitioner would submit that her husband Chandrasekar passed away on 16.08.2019 and she, being a widow, has been falsely implicated in this case and she is no way connected with the alleged transaction. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that during the course of transaction, some amount was transferred to her account and she also utilised some amount for her personal use. Hence, she was implicated in this case. He would further submit that this is the second petition seeking for anticipatory bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the subsequent development as per the prosecution is that totally, six accused in this case and A1 and A6 were arrested and released on bail, investigation is almost completed, and considering the change of circumstances, 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 Special Court for CCB and CBCID Courts, 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 report before the respondent police as and when required.

[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/-

30/06/2022

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 SPECIAL COURT FOR CCB AND CBCID COURTS,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CCB, EDF-I, TEAM-II, VEPERY,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.No.10445

CRL OP.14226/2022

Date :30/06/2022

CSK 07/07/2022