



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13899 of 2022

DIVYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE, (CRIME)
J-5 SHASTRI NAGAR POLICE STATION,
CHENNAI.
CRIME NO.45 OF 2020.

[RESPONDENT]

For Petitioner : M/S P.G.SANTHOSH KUMAR Advocate

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

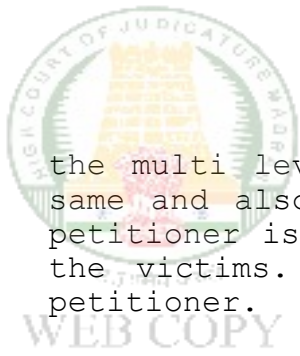
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 and 420 of IPC in Crime No.45 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with one Gowthan canvassed him to venture into an online backend part-time business and transferred Rs.4 lakhs into a bank account at the instance of the petitioner, for which, he has filled the necessary application form to venture into the business. The petitioner has failed to give a copy of the application form, bill and did not entertain his phone calls. Thereby, the petitioners have cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that he admittedly that the defacto complaint invested a sum of Rs.4,00,000/- in the account of A2. Infact, the petitioner also invested some amount as assured by A2 that the said amount should be invested in



the multi level marketing. Thereafter, A2 has failed to invest the same and also refused to return the said amount. In so far as the petitioner is concerned, she is arrayed as A1 and she is also one of the victims. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner along with one another canvassed him to venture into an online ne backend part-time business and transferred Rs.4 lakhs into a bank account at the instance of the petitioner, for which, he has filled the necessary application form to venture into the business. The petitioner has failed to give a copy of the application form, bill and did not entertain his phone calls and cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that crime is of the year 2019 and the crime has registered in the year 2020, the custodial interrogation of the petitioner does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 IX Metropolitan Magistrate, Saidapet on condition that the petitioner shall execute a bonds 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 for an 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.

-sd/-
16/06/2022

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.IX, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-5 SHASTRI NAGAR POLICE STATION,
CHENNAI.

CC to M/S P.G.SANTHOSH KUMAR Advocate on payment of necessary charges

CRL OP.13899/2022

Date :16/06/2022

TA-30/06/2022