



CrI.O.P.No.22103 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.22103 of 2022

1. Sudhakar
2. Sakaya Vinnarasi

... Petitioners

Vs.

The State represented by,
Station House Officer,
District Crime Branch Cuddalore Police Station,
Cuddalore District.
Crime No.36 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with Crime No.36 of
2022 on the file of the respondent Police.

For Petitioners : Mr.S.N.Arunkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.36 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant, Jayamathavasathiy is that the petitioners, who are the husband and wife, had approached the defacto complainant and the 1st petitioner had represented that the 2nd petitioner is the Deputy Collector in the Ariyalur District Collector Office and by projecting the same, promising the defacto complainant that he would get a job in the Government, had received an amount of Rs.4,50,000/- by way of bank transfer and a sum of Rs.6,50,000/- by way of cash and had cheated him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a case of financial disputer has been falsely projected as a case of job racketing. He would also submit that even



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as per the complaint, the amount is stated to have been paid through Bank and by way of cash and the amount has also been secured by two post dated cheques for a sum of Rs.6,00,000/- and Rs.4,00,000/-. Therefore, he prays for grant of bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the 1st petitioner/husband has projected the 2nd petitioner/wife as a Sub Collector in Ariyalur District and by representing so, the petitioner apart from the defacto complainant had also collected several amounts from more than 5 other victims to the tune of Rs.38,00,000/-. He would further state that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioners.

5. At this juncture, learned counsel for the petitioner would submit that the 2nd petitioner is the wife of the 1st petitioner and other than issuance of two post dated cheques on the advise of her husband, she has nothing to do with the alleged offence. He would further submit that he is not pressing the application in respect of the 1st petitioner and however, he is insisting for



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grant of bail to the 2nd petitioner and the 2nd petitioner is also ready to deposit the original title deeds of the immovable property worth Rs.20,00,000/- (Rupees Twenty Lakhs only) either belonging to herself, relatives or friends.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is not inclined to grant bail to the 1st petitioner and as far as the 2nd petitioner is concerned, this Court is inclined to grant bail.

8. Accordingly, the bail application in respect of the 1st petitioner is dismissed and **the 2nd petitioner is directed to deposit the original title deeds of immovable property worth Rs.20,00,000/- (Rupees Twenty Lakhs only)** either belonging to herself, relatives or friends and on such deposit, the 2nd petitioner is ordered to be released on bail, on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with



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two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Chidambaram**, and on further conditions that

[a] 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the 2nd petitioner shall not abscond either during investigation or trial;

[d] the 2nd petitioner shall not tamper with evidence or witness 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate-I,
Chidambaram.
2. Station House Officer,
District Crime Branch Cuddalore Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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