



Crl.O.P.No.24005 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24005 of 2022

Dhanalakshmi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Fairlands Police Station.
Salem District.

(Crime No.547 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.547
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.08.2022 for the alleged offences punishable under Sections 420 & 506(1) of IPC and Section 4 of Prize Chit & Money CIR Schemes (Banning) Act, 1978, in Crime No.547 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with her husband ran a unregistered chit and through which, they collected a sum of Rs.37,00,000/- from the gullible subscribers and cheated them. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is the wife of the first accused, is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner's husband was running a chit and the petitioner, who is the home maker, was not aware of the activities of the first accused. He would also submit that the major part of the investigation is over and the petitioner is in custody from 18.08.2022. Hence, he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is the wife of the first accused, is arrayed as A2 in this case. He would further submit that the petitioner along with the other accused have collected money from several subscribers and cheated them to the tune of Rs.37,00,000/-. He would also submit that the investigation is pending and therefore, he oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the petitioner is the wife of the first accused and also considering the period of incarceration undergone by the petitioner this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the 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 **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate V, Salem**, 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 petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30a.m., until further orders;

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

[d] the 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 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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

11.10.2022

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To

1. The Judicial Magistrate V,
Salem.
2. The Inspector of Police,
Fairlands Police Station.
Salem.
3. The Special Prison for Women,
Sub Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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