



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25813 of 2021

1.Z.Reshma
2.Jailani
3.Jarinabanu @ Jarru
4.Farookbasha

...Petitioners

Vs.

The State Rep. By
The Sub - Inspector of Police,
The Salem Town Police Station,
Salem City.
(Crime No.814 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in
Crime No.814 of 2021 pending on the file of the respondent Police.

For Petitioners : Mr.N.Vijay Basker

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence
under Section 294(b), 324, 506(ii) of IPC in Cr.No.814 of 2021 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that defacto complainant lodged
a complaint before the respondent police stated that she was doing
silver business, later she got divorced with the help of the first
petitioner and her husband, thereby, first petitioner got a sum of
Rs.50,000/, further, in order to develop their transport business,
they got a sum of Rs.12,65,000/- and 6550 kgs of Silver from the
defacto complainant and promised to repay the same within one year,
but, they have failed to do so and thereafter, the defacto complainant
has demanded to repay the same, due to which, the petitioners herein
assaulted and abused her with filthy languages and threatened her with
dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case He further submitted that the defacto complainant borrowed a hand loan for a sum of Rs.10,00,000/- from the first petitioner and she failed to repay the same, thereafter, first petitioner issued a legal notice to the defacto complainant, after getting the legal notice, she lodged a false case against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that there was a money dispute between the petitioners and defacto complainant, the present case has been filed. He further submits that it is civil in nature . However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both the counsel and also considering the fact that the petitioners 1 to 3 being women and they will not abscond , this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Salem, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1 to 3 shall report before the respondent police as and when required for interrogation and the fourth petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

03/01/2022

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 JUDICIAL MAGISTRATE NO.I,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE SUB - INSPECTOR OF POLICE,
THA SALEM TOWN POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.LAW VISION Advocate on payment of necessary charges

CRL OP.25813/2021

Date :03/01/2022

INBA-06/01/2022