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CrI.O.P.No.26454 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

CrI.O.P.No.26454 of 2022

1.Kavitha

2.Mohan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
T-12, Selaiyur Police Station,
Chennai 40.

(Crime No.570/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.570 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.Louisal Ramesh

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



Crl.O.P.No.26454 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.10.2022 for the offences punishable under Sections 294(b), 505(ii) & 506(i) of IPC in Crime No.570 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution due to money dispute, the petitioners have posted the photographs of the daughter and son-in-law of the defacto complainant as 'cheque fraud couple' and thereby, attempted to defame. Hence the complainant.

3.The learned counsel for the petitioners would submit that they are innocent persons and the petitioners other than being the friend of A1, they have nothing to do with the alleged offence. He would submit that the defacto complainant has to pay Rs.2,80,000/- to A1, in respect of which, A1 has already filed a case under Section 138 of the NI Act and only in order to take revenge on A1 and the petitioners who are friends of A1, a false complaint has been given. He would further submit that the petitioners are in judicial



Crl.O.P.No.26454 of 2022

custody from 08.10.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate would submit that the petitioners along with A1 have posted photographs of the daughter and son-in-law of the defacto complainant on various places stating 'Cheque Fraud Couple' and the same was questioned the defacto complainant, the petitioners have abused and also intimidated the defacto complainant. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

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

6.Taking into consideration the facts and submissions of the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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CrI.O.P.No.26454 of 2022

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate 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 No.I, Tambaram** 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 petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[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



CrI.O.P.No.26454 of 2022

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;

01.11.2022

vkr

To

1. The Judicial Magistrate No.I, Tambaram.
- 2.The Inspector of Police,
T-12, Selaiyur Police Station,
Chennai 40.
- 3.The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
- 5.The Central Prison for Women,
Puzhal, Chennai.



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Crl.O.P.No.26454 of 2022

A.D.JAGADISH CHANDIRA,J.

Vkr

Crl.O.P.No.26454 of 2022

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