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Crl.O.P.No.26644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.26644 of 2022

K.S.Sudha

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
CCIW CID,
Salem District.

(Crime No.2 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.2 of
2021 on the file of the respondent Police.

For Petitioner : Mr.T.Balaji

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 11.10.2022, for the offences punishable under Sections 408 & 420 IPC @ 408, 420 & 120(B) IPC, in Crime No.2 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused persons have pledged fake jewels and obtained loan for a sum of several lakhs. In so far as the petitioner is concerned, she obtained loan for a sum of Rs.1,69,400/-. Hence, the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner had obtained a jewel loan from the Tamil Nadu Industrial Co-Operative Bank Ltd (TAICO Bank) to the tune of Rs.1,69,400/-. He further submitted that the petitioner had so far paid a sum of Rs.49,000/- towards her jewel loan and she has to pay a sum of Rs.1,20,400/- in principal, which she is ready to deposit. He also submitted that in a similar circumstances, this Court in Crl.O.P.No.20094 of 2021 dated



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27.10.2021 had granted bail with regard to the co-accused. He further stated that the petitioner is in prison from 11.10.2022 and hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is arrayed as A19 in this Case. He further submitted that in this case, the officials of the bank in collusion with other accused have cheated several lakhs of rupees by pledging fake jewels and obtained loan and have not repaid the same. He further submitted that on account of repaying the principal amount, some of the co-accused have been granted bail by this Court. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner that the petitioner has taken a jewel loan for a sum of Rs.1,69,400/-, out of which, she has repaid a sum of Rs.49,000/- and she is ready to pay the balance amount of Rs.1,20,400/-, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on condition to repay the balance loan amount of **Rs.1,20,400/- (Rupees One Lakh Twenty thousand and Four Hundred only) to the credit of her jewel loan** in TAICO Bank, without prejudice to her rights and contentions and on such deposit and production of proof, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate IV, Salem District**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 interrogation.

[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]*;

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

08.11.2022

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To

1. The Judicial Magistrate IV,
Salem District.
2. The Inspector of Police,
CCIW CID,
Salem District.
3. The Central Prison for Women,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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