



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

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

Crl.O.P.No.31829 of 2022

G.Revathi

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Chithode Police Station,
Erode District.

(Crime No.346 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.346 of 2022 on the file of the respondent police.

For petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.11.2022 for the offence under Section 420 of IPC, in Crime No.346 of 2022, on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the petitioner has published an advertisement that she is in requirement of Onion. While being so, on 21.03.2022, the defacto complainant approached the petitioner and informed that he is ready to supply the goods, that the petitioner also accepted to purchase the goods. Accordingly, the defacto complainant has sent 11.75 tonnes of Onions worth of Rs.2,17,350/- through a lorry and the same was unloaded by the petitioner and the petitioner failed to paid the said goods and thereby cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the fact is that the petitioner is running commodities shop in the name of Srisai Agency had purchased onion in wholesale and there was pending amount of R.60,000/-. The defacto complainant demanded huge amount from the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would the petitioner published an advertisement though social media that he is in requirement of



Onions and as such, the defacto complainant supplied goods to the tune of Rs.2,17,350/- and the failed to pay the goods supplied to him and thereby cheated the defacto complainant. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the nature of allegation against the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on condition that **the petitioner shall deposit a sum of Rs.75,000/- to the credit of Crime No.346 of 2022, within a period of two weeks from the date of receipt of a copy of this order.**

6. Accordingly, the petitioner is ordered to be released on bail on his 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 No.III, Erode, 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;



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[b] the petitioner shall deposit a sum of Rs.75,000/- to the credit of Crime No.386 of 2022, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police on every Sunday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation.

[d] the defacto complainant is permitted to withdraw the amount by filing an appropriate application.

[e]the petitioner shall not tamper with evidence or witness during trial;

[f]the petitioner shall not abscond during investigation/trial;

[g]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]*; and;



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[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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To

- 1.The Judicial Magistrate No.III, Erode.
- 2.The Inspector of Police,
Chithode Police Station,
Erode District.
- 3.The Central Prison Women Wing, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI,J.

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