

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5800 of 2023

Radhika

... Petitioner

Vs.

The State represented by,
The Inspector of Police (Crime),
F-1, Chindadripet Police Station.

(Crime No.236 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime
No.236 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2023, for the offences punishable under Sections 420, 467, 471 of IPC and 12(1A)(b) Passport Act, in Crime No.236 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Saravanan, is that he is a Power of Attorney of his brother Jayakaran Vasudevan, who is running a Software Company in USA. The accused, who is the wife of one Hemant Davey, by furnishing the false particulars stating that the brother of the *de-facto* complainant is her husband, had obtained passport and based on the said passport, she availed loans for purchasing cars and cheated his brother. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the marriage between the petitioner and the said Jayakaran Vasudevan was performed on 05.10.2017, at Arupadai

Thirumurugan Association and based on their marriage certificate issued by Arupadai Thirumurugan Association, the petitioner has applied for passport and obtained the same. He also submitted that the petitioner has not suppressed any details, whereas, later, due to the matrimonial dispute, the brother of the de-facto complainant deserted the petitioner and went to USA and in order to prevent the petitioner from going to USA, a false complaint has been given. He further submitted that the de-facto complainant was also present at the marriage performed between the petitioner and Jayakaran Vasudevan and he was well aware of the petitioner, therefore, that is the reason why the said Jayakaran Vasudevan has not come from USA and preferred complaint through his brother. He also submitted that the petitioner herself is a victim in this case and she is in custody from 20.02.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, by furnishing false information, as if the de-facto complainant's brother is her husband, had obtained passport and using the same, has obtained loan from several Banks. He further submitted that no previous case is pending against the petitioner

and the investigation is also pending, hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioner, 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 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 XIV Metropolitan Magistrate, Egmore**, 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 10.30a.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]***;

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

13.03.2023

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police(Crime),
F-1, Chindadripet Police Station.
3. The Central Women's Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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