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Crl.O.P.No.8508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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

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N.Reeta

... Petitioner

Vs.

The State represented by,
The Inspector of Police (Crime),
R-9, Valasaravakkam Police Station,
Chennai 600 087.

(Crime No.57 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.57 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Mohamed Riyaz
for Mr.R.Sasikumar
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 25.03.2023, for the offences punishable under Sections 406 & 420 of IPC, in Crime No.57 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Thiagarajan is that he is running a Travels in the name of S& J Messi Taxi travels and during May,2022, one Aravinthan and his wife Reeta had got introduced to him through Zoom App Car rental portal and they have taken his Audi A6 car bearing registration No.TN-01-AY-1005 for rental, by entering into an agreement and paid rent for a period of three months and thereafter, they have not paid the rent and not returned the car and cheated the de-facto complainant. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is the wife of one Narayanamoorthy, is an innocent person and she has been falsely implicated in this case. He further submitted that A1



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is not the husband of the petitioner, whereas, the de-facto complainant has lodged a false complainant, as if, the petitioner along with A1 had taken his car. He also submitted that initially, based on the complaint dated 04.10.2022, enquiry was conducted in C.S.R.No.476 of 2022, whereas, the First Information Report was filed on 04.03.2023. He further submitted that since there was a financial dispute between the de-facto complainant and A1, the de-facto complainant has given a false complaint and also wrongly projected the petitioner as the wife of A1 and unnecessarily roped the petitioner in this case. He further submitted that the petitioner is in custody from 25.03.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) for the respondent submitted that as per the de-facto complainant, the petitioner is the wife of A1/Aravinthan. He also submitted that the petitioner along with A1 had induced the de-facto complainant and made him to enter into an agreement for renting his car and later, absconded with the car. He further submitted that the investigation is still pending, hence, he vehemently



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opposed for grant of 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 including the documents produced by the petitioner before this Court.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side 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 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.I, Poonamallee**, 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



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respondent Police, everyday at 10.30 a.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.

20.04.2023

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To

1. The Judicial Magistrate No.I,
Poonamallee.
2. The Inspector of Police (Crime),
R-9, Valasaravakkam Police Station,
Chennai - 600 087.
3. The Special Prison for Women, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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