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Crl.O.P.No.8537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.8537 of 2023

Shoba Vasanthan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch,
Avadi,
Chennai.

(Crime No.35 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.35 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Balamurugan

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 06.03.2023, for the offences punishable under Sections 406, 420, 120(B) r/w 34 of IPC, in Crime No.35 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Ashraf Ahamed is that the accused had induced him by stating that she would be able to secure a job in abroad and had received a sum of Rs.3,50,000/- from him and cheated him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that on account of the financial dispute, the de-facto complainant has given a false complaint as against the petitioner. He also submitted that though the de-facto complainant claims that an amount of Rs.3,50,000/- was given to the petitioner, no material proof has been produced by him for the above said payment. He further submitted that the



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fact remains is that other than paying an amount of Rs.1000/- through bank transaction, the de-facto complainant has not made any payment. He further submitted that the petitioner is in custody from 06.03.2023 and she 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. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for respondent submitted that the accused had induced the de-facto complainant stating that she would be able to secure a job in abroad and has received a sum of Rs.3,50,000/- from him and cheated him. He further submitted that the investigation is still pending, hence, he vehemently opposed for grant of bail to the petitioner.

6. 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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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that other than payment of Rs.1000/-, which is stated to have paid to the petitioner through bank transaction, there is no material to show for the payment of Rs.3,50,000/- and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 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 respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;



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[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.

26.04.2023

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To

1. The Judicial Magistrate-I,
Poonamallee.
2. The Inspector of Police,
Central Crime Branch,
Avadi, Chennai.
3. The Puzhal Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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