



Crl.O.P.No.10785 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Piyula

... Petitioner/A2

Versus

State Rep. by
The Inspector of Police,
D.C.B. Cuddalore,
Cuddalore District.
Crime No.4 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail in Crime No.4 of 2021 pending
on the file of the respondent.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.04.2023, for the offence punishable under Sections 406, 420 & 506(i) of I.P.C., in Crime No.4 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with her husband, on the false promise that they would secure a government job for the de-facto complainant, have obtained a sum of Rs.1,40,000/- from the de-facto complainant and cheated her.

3. The learned counsel for the petitioner would submit that even as per the allegation in the First Information Report, the petitioner's husband had promised the de-facto complainant to get a government job and the petitioner had nothing to do with the alleged offence. In any case, the petitioner and her husband had given the pro-note in favour of the de-facto complainant, which would make it clear that it is a money



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transaction. He would also submit that the alleged occurrence taken place in the year 2017 and the petitioner was arrested in 2023. Further, the learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case and the petitioner's husband/A1 was arrested and enlarged on bail. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with her husband, on the false promise of getting a government job, cheated the de-facto complainant. He would further submit that the investigation is yet to be completed and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. There is force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case and since the petitioner, a lady, is in custody from 03.04.2023, A1 had also given pro-note in favour of the de-facto complainant, A1 was arrested and



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granted bail and and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

[a] the petitioner shall execute 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.II at Panruti.

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned



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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]**.

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

10.05.2023

ham/ab

To

1. The Judicial Magistrate No.II,
Panruti.
2. The Inspector of Police,
D.C.B. Cuddalore,
Cuddalore District.
3. The Women Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

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