



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.15452 of 2022

WEB COPY

K.Kalaiselvi

...Petitioner / Accused No.2

-vs-

The State represented by
The Deputy Superintendent of Police,
District Crime Branch,
Dindigul District.
(in Cr.No.21 of 2022)

...Respondent/ Complainant

Kannadasan

... Petitioner / Intervener in
CRL MP(MD)No.10975 of 2022
in CRL.O.P(MD)No.15452 of 2022

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.21 of 2022.

For Petitioner : Mr.S.Atham Ali,
Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

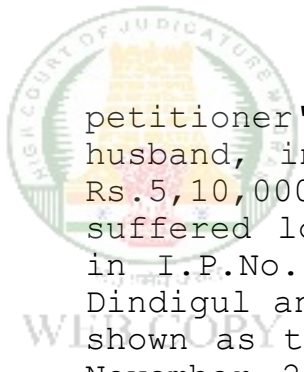
For Intervenor : Mr.S.T.Gopinath,
Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420 and 506(i) of IPC in Crime No.21 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons, under the pretext of arranging Government job, have received a sum of Rs.20,00,000/- from the de-facto complainant and failed to do so and cheated him. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that a case of money dispute between the accused and the de-facto complainant has been falsely projected, as a case of job rocketing and cheating. He would further submit that the



petitioner's husband is running a jewellery business. Her husband, in the course of his business, has borrowed an amount of Rs.5,10,000/- from the de-facto complainant. Since her husband suffered loss in the business, he has filed an Insolvency Petition in I.P.No.7 of 2021 on the file of the Principal District Court, Dindigul and in the said petition, the de-facto complainant has been shown as the fifth respondent. The case was filed as early as in November 2021 and after summons have been issued to the de-facto complainant, he has preferred a false complaint, as if he has handed over money to the petitioner's husband and the petitioner for securing a Government job.

4.He would further submit that though the de-facto complainant claims that Rs.20,00,000/-, has been paid, he has only paid Rs.5,10,000/- through bank and other than that, the de-facto complainant has not made any payment to the petitioner's husband. He would also submit that the petitioner is a house wife and other than that, she has nothing to do with the business run by her husband. The petitioner's husband was arrested and released on statutory bail and only in order to put pressure on the petitioner under the threat of arrest to settle the issue, a false complaint has been given.

5.The learned Government Advocate (crl.side) would submit that the petitioner along with her husband induced the de-facto complainant on the pretext of securing a Government job and taken Rs.20,00,000/- from the de-facto complainant and cheated him. He would strongly oppose to grant anticipatory bail to the petitioner.

6.The learned Counsel for the intervenor would submit that the petitioner and her husband have induced the de-facto complainant stating that they would arrange for a Government job and received a sum of Rs.20,00,000/- and cheated him. Hence, he would pray for dismissal of this petition.

7.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Dindigul, Dindigul District, on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

<https://www.mhc.tn.gov.in/> the petitioner and the sureties shall affix their



photographs and Left Thumb Impression in the surety bond. 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 one week and as and when required.

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

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/02/2023

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

To

- 1.The Judicial Magistrate No.II,
Dindigul, Dindigul District.
- 2.-do-Through The Chief Judicial Magistrate,
Dindigul District.
- 3.The Deputy Superintendent of Police,
District Crime Branch, Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15452 of 2022

Date :08/02/2023

RK/BUC/SAR-II(15/02/2023) 3P 5C