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CRL O.P. No.19276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19276 of 2024

Poornima W/o. Praveen Kumar ... Petitioner/Accused No.3
Vs

State rep. by:-

The Inspector of Police,
Central Crime Branch-I,
Vepery, Chennai.
[Cr. No.395 of 2017]

... Respondent

For Petitioner : Mr. C. Arun Kumar
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.395 of 2017 on the file of the respondent police in C.C. No.6015 of 2018.



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ORDER

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The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 06.07.2024 for the offences punishable under sections 420, 506(i) r/w 34 of IPC in Crime No.395 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused induced the defacto complainant to invest a sum of Rs.79.16 lakhs in the real estate business and she failed to repay the same and she also intimidated the defacto complainant, when he asked to repay the amount. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody for more than 1 month. She has been falsely implicated in this case. She is ready to abide by any condition imposed by this Court. She has been arrested on execution of NBW in C.C. No.6015 of 2018. As she was admitted in the hospital, she was unable to appear before the Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would



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submit that there are totally 3 accused. In this case, investigation was completed and final report was filed and the case was taken in C.C. No.6015 of 2018. Six witnesses were already examined in this case. NBW was issued as against the petitioner, due to her non-appearance before the Court. The petitioner was arrested on execution of NBW. The trial is in progress. If she is released on bail, she will not appear and co-operate for trial. Hence he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that already bail was granted to the petitioner and due to the non-appearance of the petitioner, NBW was issued and the petitioner was arrested on execution of NBW, considering the fact that the case is under trial and most of the witnesses were examined and also taking into consideration the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Metropolitan Magistrate Court for exclusive trial of CCB Cases [relating to cheating cases in Chennai and CBCID Metro Cases], Egmore, Chennai** and on further conditions that:

[b] the petitioner shall report before the **Metropolitan Magistrate Court for exclusive trial of CCB Cases [relating to cheating cases in Chennai and CBCID Metro Cases], Egmore, Chennai** on every working day at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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



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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 269 B.N.S.

12.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1.The Metropolitan Magistrate Court
for exclusive trial of CCB Cases
[relating to cheating cases in Chennai
and CBCID Metro Cases], Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch-I,
Vepery, Chennai.

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3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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