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CRL O.P. No.23018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23018 of 2024

S.Parameshwari

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
D4, Kuniyamuthur Police Station,
Kuniyamuthur,
Coimbatore District.

(Crime No.451 of 2023)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.451 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Murugabharathi

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.08.2024, for the offences punishable under Sections 120(b), 406, 420, 465, 468 of IPC, in Crime No.451 of 2023, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner along with A1, in order to obtain job for the defacto complainant in Indian Oil Corporation, received a sum of Rs.28,00,000/- from the defacto complainant and his family members and thereafter, the accused neither obtained any job nor returned the money and thereby cheated the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the wife of A1 and she has nothing to do with the alleged offence. He would further submit that there is no previous case against the petitioner and she has been in



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custody from 21.08.2024. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused, on the false promise of obtaining job in Indian Oil Corporation, received a sum of Rs.28,00,000/- from the defacto complainant and his family members and thereafter, failed to obtain any job and refused to return the money. He would further submit that there was money transaction between the petitioner and the accused. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner and that no previous case is pending against the petitioner and also



considering the number of days of incarceration undergone by the petitioner and that the prime accused in this case was also secured by the police, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[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 **Judicial Magistrate No.7, Coimbatore**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.09.2024

ata

To

1.The Judicial Magistrate No.7, Coimbatore.

2.Central Prison, Salem.

2.The Inspector of Police,
D4, Kuniyamuthur Police Station,
Kuniyamuthur,
Coimbatore District.

3.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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