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Crl.O.P.No.26803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26803 of 2024

Leelavathy

... Petitioner/Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
CCB-Avadi,
Avadi city.
(Crime No.66 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.66 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Nirmal Krishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2024, for the alleged offence punishable under Sections 419, 465, 467,



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468, 471, 420 of IPC in Crime No.66 of 2024, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner along with one document writer viz., Rohit fraudulently sold the de-facto complainant's property to an extent of 5580 sq.ft. situated at Pattaravakkam in favour of one Govindaraj under Doc.No.6212 of 2022 dated 06.09.2022 . Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 13.09.2024; that she is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner has fraudulently sold the de-



facto complainant's property to one Govindaraj in the year 2022. He further would further submit that there is no previous cases against the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made on both sides and the nature of offence and also taking into consideration the period of incarceration undergone by the petitioner from 13.09.2024 and there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on 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-I, Poonamallee** and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall attend in accordance with the conditions of the



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bond;

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[c] the petitioner shall not commit any offences of similar to the offence of which she 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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 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 BNS.

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To:

- 1.The Judicial Magistrate-I,
Poonamallee.
- 2.The Inspector of Police,
CCB-Avadi.
Avadi City.
- 3.The Superintendent,
Central Prison for Women,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL,J.

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