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Crl.O.P.No.30528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30528 of 2024

and

CRL.M.P.No.17450 of 2024

Faritha Begum @ Ashmitha

... Petitioner

Vs.

The State Rep. by:
The Inspector of Police,
N1- Royapuram Police Station,
Chennai.
(Crime No. 822 of 2024)

... Respondent

Menaga

... Intervenor/defacto complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with **Crime No.822 of 2024**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Ashok Kumar

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

For Intervenor : Mr.J.Balaji

ORDER



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Petition seeking bail in respect of **Crime No.822 of 2024** registered for the offences punishable under Sections **420 and 406 of IPC**, is on board for consideration.

2. The incarceration of the petitioner being from 05.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He would submit that, a case of civil dispute has been converted into a case of cheating. He would submit that, the property stands in the name of the husband of the petitioner and the agreement also entered between the husband of the petitioner. He would submit that an amount of Rs.18,50,000/- was also given to the husband of the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, that the petitioner along with her husband induced the defacto complainant, stating that their land was mortgaged in the bank, they would settle the bank loan and sell the property to them and therefore, the accused received an amount of Rs.18,50,000/- and cheated the defacto complainant. He would further submit that



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the husband/A2 of the petitioner/A1 is absconding and the investigation is still pending.

4. Mr.K.Ashok Kumar, learned counsel appearing for the intervenor/defacto complainant would vehemently opposed for the grant of bail to the petitioner, stating that, the loan application stands in the name of the petitioner as well as her husband. He would further submit that the property also stands in the name of the husband and till now, not even a single pie has been repaid by the accused.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, the learned counsel for the intervenor and perused the materials available on record, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, out of which, each for a like sum to the satisfaction of the learned **XVI Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:

[a] 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



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their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 269 of B.N.S.

10.12.2024

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To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N1- Royapuram Police Station,
Chennai.
3. The Superintendent,
Central Prison-III (Women), Puzhal,
Chennai-600 066.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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