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Crl.OP.No.7596 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7596 of 2025

Chitra ... Petitioner(s) /Accused

Vs.

State rep. by
The Inspector of Police,
CCB, Salem City,
Crime No.3 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of her arrest in Crime No.3 of 2025, pending investigation on the file of the respondent police.

For petitioner(s) : Mr.T.Dhasarathan

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 465, 468 and 471 of IPC, on the file of the respondent police, in Crime No.3 of 2025, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner and her husband induced the defacto complainant to pay a sum of Rs.35,00,000/- by cash and cheque on the promise of executing a sale deed for five plots in a layout developed by the petitioner's husband; that they neither sold the plots nor returned the full amount; and that they have only repaid Rs.9,00,000/-, leaving a balance of Rs.26,00,000/-.

3. The learned counsel for the petitioner would submit that the first accused/petitioner's husband was arrested and subsequently released on bail; that the petitioner has no involvement in the alleged transaction; and that, in any case, custodial interrogation is not required as it is purely a



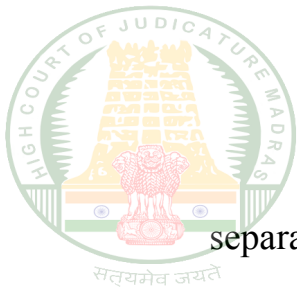
money dispute, and prayed for anticipatory bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the FIR does not disclose that a sum of Rs.9,00,000/- was paid by the first accused/petitioner's husband.

5. Considering the nature of the dispute between the first accused and the defacto complainant; the fact that the first accused was already arrested and subsequently released on bail; and since custodial interrogation is not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-III, Salem**, on condition that the petitioner shall execute a



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separate 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:

[a] the petitioner and 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 their identity.

[b] the petitioner shall report before the respondent police as and when required for investigation;

[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



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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”* reported in **(2005) AIR SCW 5560**.

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

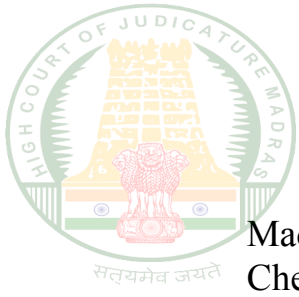
20.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police, CCB, Salem City.
2. The Public Prosecutor,

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Madras High Court,
Chennai.

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3. Judicial Magistrate-III, Salem.



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SUNDER MOHAN, J.

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