



Crl.O.P.No.16061 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16061 of 2025

Kalapana Yelchuri

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch P.S,
Tiruppur City.

(Crime No.6 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.6
of 2025 on the file of the respondent Police.

For Petitioner : Mr.C.A.Anburaja

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

For Intervener : Ms.S.Valarmathi

ORDER

The petitioner, who was arrested and remanded to judicial custody on
18.04.2025 for the offences punishable under Sections 409 and 420 of IPC, in
Crime No.209 of 2025, on the file of the respondent Police, seeks bail.

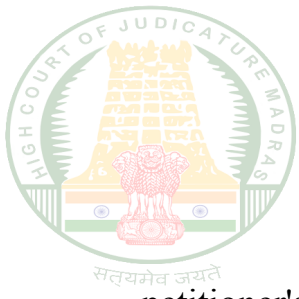


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2. The case of the prosecution is that the accused after obtaining the goods from the de facto complainant to the tune of Rs.2,27,54,233/-, cheated the de facto complainant. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner/A2, who is the wife of A1, is innocent and has been falsely implicated in this case. He also submitted that the petitioner's husband had some business transaction with the de facto complainant for quite some time and the petitioner was not actively participated in the business along with her husband and not aware of those transactions. He further submitted that earlier de facto complainant had lodged a complaint under Section 138 of N.I. Act against the petitioner and her husband, which is pending on the file Fast Track Judicial Magistrate, Tiruppur and prior to which, the de facto complainant had proceeded the legal proceedings before the NCLT, Hyderabad on 14.10.2024 and it is pending in C.P.No.238 of 2024. The de facto complainant, by suppressing all these facts, lodged the present complaint before the respondent on 25.03.2025 and the petitioner was also arrested without any enquiry. He also submitted that the dispute in the business transaction has given a criminal colour and if at all there is any dispute, it is only between the de facto complainant and the

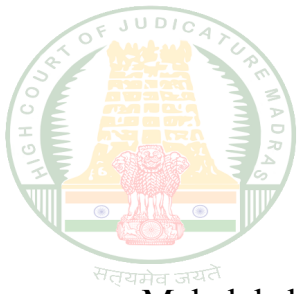


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petitioner's husband and not with the petitioner. He further submitted that even the respondent has failed to consider that the petitioner is a lady and without issuance of 41 A notice, the petitioner was arrested. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the petitioner has also involved in the commission of offence along with her husband/A1. He also submitted that the petitioner is the resident of Telangana and the case was registered on 25.03.2025 and the investigation is in progress.

5. Learned counsel appearing for the Intervener strongly objected for grant of bail to the petitioner stating that the petitioner/A2 along with her husband/A1 had cheated the de facto complainant. She further submitted that the petitioner was the mastermind behind the commission of the offence and had also actively participated in the same. However, for the purpose of the case, she now claims that she was not involved in the offence. The accused have received the goods worth of Rs.2,27,54,233/- and issued several cheques amounting to lakhs of rupees on various dates. However, it later came to light that the cheques issued in the name of M/s.Fashion Folks belonged to the sister of A1, Konduru Durga



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Mahalakshmi, who passed away on 05.02.2024 and whose bank accounts has also been closed. Despite this, the accused knowingly issued those cheques. She also submitted that unless recovery is made, the de facto complainant would suffer the loss of his entire business capital and be answerable to banks and others.

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

7. Considering the facts and circumstances of the case, the submissions made by the learned counsel appearing on either side and taking note of the period of incarceration undergone by the petitioner and that the legal proceedings are pending before NCLT, Hyderabad as well as before the Fast Track Judicial Magistrate Court, Tiruppur, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Tiruppur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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[b] the petitioner shall report before the respondent Police as and when required for interrogation;

[c] the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate / Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate No.III,
Tiruppur.
2. The Inspector of Police,
Central Crime Branch P.S,
Tiruppur City.
3. The Superintendent,
District Jail, Tiruppur,
Kannipiran Colony, Valipalayam, Tiruppur.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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