



Crl.RC.No.1297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 06.08.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1297 of 2025

Mythili

W/o. Sekar

No.122/2, Dr.Abdul Kalam Street,

Pattipulamkuppam,

Kancheepuram District – 603 104.

.....

Appellant

Vs.

State rep. by

The Deputy Superintendent of Police,

Economic Offences Wing,

Chengalpattu District.

Cr.No.1 of 2025

.....

Respondent

Prayer: Criminal Revision is filed under Section 438 r/w. 442 of BNSS, to set aside the order dated 17.07.2025 made in Crl.M.P.No.2044 of 2025, passed by the Hon'ble Chief Judicial Magistrate, Chengalpattu, and to allow the above Criminal Revision Petition.

For Petitioner : Ms.G.Gayathri Vijayabaskar

For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.side)

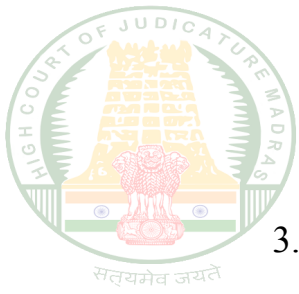


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ORDER

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2. The petitioner was arrested and remanded to judicial custody on 28.04.2025 in pursuance of registration of FIR in Cr.No.1 of 2025 for the offences punishable under Section 406, 420, 506(ii) IPC r/w. 34 of IPC, Section 5 of TNPID Act, Section 76(1) of the Chit Fund Act and Sections 21(1), 21(2), 21(3) Buds Act. After completion of sixty days from the date of custody of the petitioner, the respondent did not file the charge sheet. Therefore, the petitioner filed an application for default bail before the trial Court, however, it was dismissed on the ground that already the petitioner filed a petition for bail and the same was allowed on condition that the petitioner shall deposit a sum of Rs.10,00,000/-. Aggrieved by the same, the petitioner filed a modification petition in Crl.M.P.No.15418/2025 before this Court and the same is pending for orders. While pending of the said application, the period of sixty days expired and as such the petitioner filed an application for default bail on the 73rd day of her custody.



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3. The learned Government Advocate (Crl.side) appearing for the respondent submitted that while pending the modification petition before this Court, the petitioner ought not to have filed a bail petition before the trial Court and hence the order passed by the trial Court needs no interference.

4. The earlier conditions imposed by the trial Court while granting bail to the petitioner have got nothing to do with her right accrued under Section 167(2) Cr.P.C. The conditions imposed while the petitioner was granted bail could not be complied by the petitioner as the modification petition filed by her before this Court is pending for orders and as such the petitioner is still in incarceration. When the respondent failed to file a final report in Cr.No.1 of 2025 within the period of sixty days from the date of the custody of the petitioner, the right accrues in favour of the petitioner to file a petition for bail under Section 167(2) Cr.P.C. Therefore, the trial Court ought not to have dismissed the petition filed by the petitioner for default bail. Hence this Court finds infirmity in the order passed by the trial Court.

5. In view of the above, this Criminal Revision Case is allowed and the order dated 17.07.2025 made in Crl.M.P.No.2044 of 2025, on the file of the learned Chief Judicial Magistrate, Chengalpattu, is hereby set aside. The



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petitioner is ordered to be released on bail on her execution of 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 Chief Judicial Magistrate, Chengalpattu and on further conditions that:

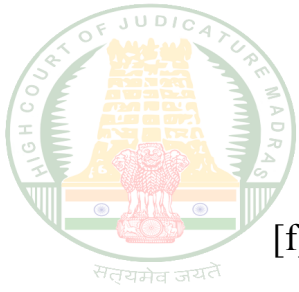
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation.

[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]**.



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[f] If the accused thereafter abscond, a fresh FIR can be registered

under Section 229A IPC.

06.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
bkn

To:

- 1.The Chief Judicial Magistrate, Chengalpattu.
2. The Deputy Superintendent of Police,
Economic Offences Wing,
Chengalpattu District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.
4. The Superintendent,
Central Prison, Puzhal.



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