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Crl.O.P.No.31789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.31789 of 2024

Kamala

... Petitioner

Vs

The State, Rep., by the Inspector of Police,
T-10, Maraimalai Nagar Police Station,
Cengalpattu District.

Crime No.322 of 2023

....Respondent

For Petitioner : Mr.D.Raja

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 417 and 420 of IPC in Crime No.322 of 2023 on the file of the respondent Police, seeks anticipatory bail.



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2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel appearing for the petitioner seeks indulgence of this court. He would submit that there was a financial dealing between the petitioner and the defacto complainant and thereby, the petitioner has received 61 sovereigns of gold jewels, 1600 grams of silver and Rs.75,000/- cash for her business purpose from the defacto complainant in the year 2016 and 2017. He would further submit that the complaint has been registered only based on the directions issued by the Judicial Magistrate No.II, Chengalpattu, under Section 156(iii) of Cr.P.C., and 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 anticipatory bail, is that the petitioner is known to the defacto complainant and that the petitioner had received 67 sovereigns of gold jewels, 1600 grams of silver and Rs.75,000/- cash for her business from the defacto complainant and later she did not return the same and no previous case is pending as against her.



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4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

5.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Chengalpattu**, on condition that the petitioner shall execute a 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:



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[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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders.

[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 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.

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To

- 1.The Judicial Magistrate II, Chengalpattu.
- 2.The Inspector of Police, T-10, Maraimalai Nagar Police Station,
Chengalpattu District.
- 3.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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