



Crl.O.P.Nos.32211, 32227, 32213 & 32217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

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

Crl.O.P.Nos.32211, 32227, 32213 & 32217 of 2024

A. Jasmine(A5)	... Petitioner in Crl.O.P.No.32211 of 2024
Joy Lithiyala Alias Sasikala(A1)	... Petitioner in Crl.O.P.No.32227 of 2024
Selvi(A2)	... Petitioner in Crl.O.P.No.32213 of 2024
A.Jeffri(A4)	 Petitioner in Crl.O.P.No.32217 of 2024

Vs.

State represented by
The Inspector of Police,
CCB-1, Chennai
(Crime No.190 of 2024)

... Respondent in all Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in the event of arrest, in connection with Crime No.190 of 2024, on the file of the respondent Police.



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For Petitioners : Mr.Prasanth.D.
(in all Crl.O.Ps)

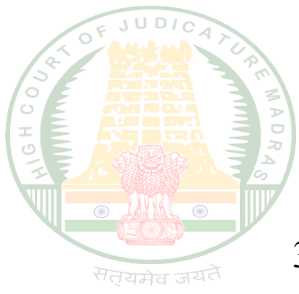
For Respondent : Mr.S.Santhosh
(in all Crl.O.Ps) Government Advocate (Crl.Side)

For Intervenor : Mr.M.Senthil Kumar
(in all Crl.O.Ps)

COMMON ORDER

Apprehending arrest in connection with Crime No.190 of 2024 registered for the offences punishable under Sections 406, 420 and 34 of IPC, the present petitions have been filed seeking anticipatory bail.

2. The case of the prosecution is that the accused claiming that they are running a Trust, induced the defacto complainant's wife to invest Rs.50,00,000/- on the assurance that they would return Rs.5 crores and on believing the accused, the defacto complainant's wife had invested Rs.1,10,22,200/-, but, later the accused did not repay the amount. Whiles, the husband, daughter and son-in-law of the 1st accused have given porridge to the defacto complainant's wife assuring her that she might recover from sickness but she subsequently died in three days after drinking the porridge and thereby, the complaint has been filed seeking action.



3. Learned counsel for the petitioners submitted that a case of financial dispute has been exaggerated and a false complaint has been given as if the petitioners have cheated the defacto complaint to the tune of Rs.1,00,00,000/-. He further submitted that the petitioner in Crl.OP.32227 of 2024 has been arrayed as A1 and her son petitioner in Crl.OP.No.32217 of 2024 has been arrayed as A4 and the petitioner in Crl.OP.No.32211 of 2024, who is A1's daughter, has been arrayed as A5. He also submitted that A5 has not received any amount and only A1 has received an amount of Rs.5 lakhs through bank and A4/Jeffri has received Rs.10 lakhs through bank. A1 had returned an amount of Rs.2 lakhs and Rs.3 lakhs remains to be repaid. He would further submit that without prejudice to their rights of defence, the petitioners are ready to repay the amount in four instalments. He further submitted that the petitioners have no nexus with other persons whose names have been given by the defacto complainant. He would also submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the accused had induced the defacto complainants wufe to invest Rs.50 lakhs on the assurance of return of Rs.5 crores and made



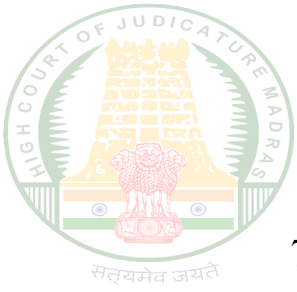
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her to invest Rs.1,10,22,200/- and cheated her. Later, the accused had also fed porridge to the defacto complainant's wife, due to which, she died after three days.

He would further submit that the investigation reveals that Joy Lithiyala @ Sasikala/A1, the petitioner in Crl.O.P.No.32227 of 2024, has received Rs.5 lakhs from bank transaction and A4, the petitioner in Crl.O.P.No.32217 of 024 has received Rs.10 lakhs through bank transaction. As far as Selvi/A2 and Jasmine/A5 are petitioners in Crl.O.P.No.32213 and 32211 of 2024 respectively, no amounts have been received by them and they are related to the main accused and he would object for grant of anticipatory bail to the petitioners.

5.Learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners stating that the defacto complainant's wife has paid Rs.15,00,000/- by way of cash to the A1 and A4 and as far as the other accused are concerned the amounts have been paid only on the instructions of A1 and he would object for grant of anticipatory bail to the petitioners.

6. Having heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) for the respondent Police, the learned counsel appearing for the intervenor and perused the materials available on record.



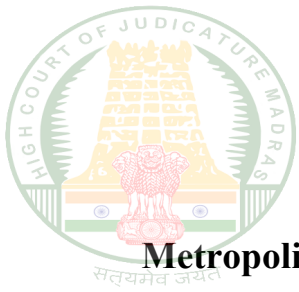
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7.Though in this case the amount which is said to have been cheated is Rs.1,10,22,200/-, admittedly only an amount of Rs.5 lakhs has been sent to Joy Lithiyala @ Sasikala/A1 and Rs.10 lakhs has been sent to Jeffri/A4 through banking transaction and A1 has also refunded Rs.2 lakhs through bank transaction. The petitioners/A1 and A4 in Crl.O.P.Nos.32227 and 32217 of 2024 have undertaken to deposit the amounts received by them through bank transaction in instalments.

8.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners/A1 and A4 on the following conditions.

The petitioner/A1 viz., Joy Lithiyala @ Sasikala in Crl.OP.No.32227 of 2024 shall deposit a sum of Rs.1,50,000/- at the time of surrender and within a period of eight weeks thereafter she shall deposit a sum of Rs.1,50,000/- to the credit of Crime No. 190 of 2024. The petitioner/A4 viz.,Jeffri in Crl.O.P.No.32217 of 2024 shall deposit Rs.5,00,000/- at the time of surrender and further deposit an amount of Rs.5 lakhs within a period of eight weeks thereafter to the credit of Crime No. 190 of 2024.

9.On such initial payment, the petitioners/A1 and A4 are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned



Metropolitan Magistrate for CCB and CBCID cases, Egmore, Chennai, and

on further condition that the petitioners 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 said Magistrate and on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

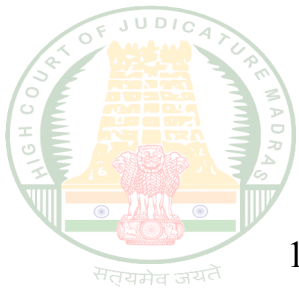
[b] the petitioners/A1 and A4 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.m., until further orders ;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, abscond, a fresh FIR can be registered under Section 269 of BNS.



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10.Further, insofar as Selvi/A2(friend of A1), the petitioner in Crl.O.P.No.32213 of 2024 and Jasmine/A5(daughter of A1), the petitioner in Crl.O.P.No.32211 of 2024 are concerned, no amounts are said to have been received by them. Accordingly, the petitioners/A2 and A5 are also ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Metropolitan Magistrate for CCB and CBCID cases, Egmore, Chennai**, and on further condition that the petitioners 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 said Magistrate and on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

[b] the petitioners/A2 and A5 shall report before the respondent Police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the



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learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, abscond, a fresh FIR can be registered under Section 269 of BNS.

30.01.2025

dpq/raa

To

- 1.The Metropolitan Magistrate for CCB and CBCID cases,
Egmore, Chennai.
- 2.The Inspector of Police,
CCB-1, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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