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CRL O.P. No.32199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.32199 of 2024

Sridevi W/o. Swamynathan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi City, Chennai-600 054.
[Cr. No.64 of 2023]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

Crime No.64 of 2023 on the file of the respondent police.

For Petitioner : Mr.G.S. Mani

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER



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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 419, 420, 465, 468 and 471 of IPC in connection with the case in Crime No.64 of 2023, seek anticipatory bail.

2. The case of the prosecution is that A3 and A4 approached the defacto complainant and represented that A1 is willing to sell a property measuring an extent of 2972 sq. ft.; that the defacto complainant had paid an advance of Rs.85 lakhs by cash and other modes; that A1 did not execute the sale deed and later came to know that A1 had produced the forged documents and she was not the owner of the property. It is the further case of the prosecution that the A3 is the Mother-in-law of A8 and the confession of A8 revealed that money received by A8 to the tune of Rs.38,50,000/- was handed over to the petitioner.

3. Learned counsel for the petitioner would contend that the petitioner is not a named accused in the FIR; that the allegations are false; that the petitioner is sought to be implicated based on the



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confession of the co-accused and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor, however, vehemently opposed to grant anticipatory bail and submitted that even according to the prosecution, major amount cheated by the other accused was handed over to this petitioner only and hence she may be directed to deposit a portion of amount atleast and opposed the grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, submitted that the petitioner is sought to be implicated based on the confession of the A8 and that amount was paid by cash. The learned Government Advocate further submitted that the respondent police have also filed the final report.

6. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

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7. Considering the aforesaid facts and circumstances of the case, the submissions made by either side, the nature of allegations and since the final report has been filed by the respondent police, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation and hence this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Poonamallee** 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



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petition for anticipatory bail shall stand dismissed and on further conditions that:

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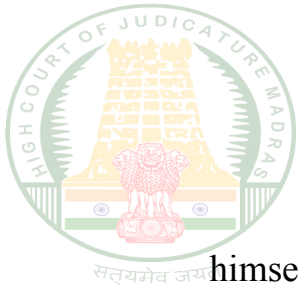
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

19.02.2025

mjs

To

- 1.The Judicial Magistrate No.I, Poonamallee.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Central Crime Branch, Avadi Police Commissionerate, Avadi City, Chennai-600 054.

SUNDER MOHAN. J.,

mjs

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