

In the Court of the Principal Sessions Judge, Sivagangai
Present: Tmt.M.Sumathi Sai Priya, B.Sc., M.A., M.L., P.G.D.P.M., & I.R.,
Principal Sessions Judge, Sivagangai.

Saturday, the 15th day of October 2022
(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,
Purattasi Thingal 28th Day)
Criminal Miscellaneous Petition No.4417/2022
CNR No.TNSV010051882022

Kavitha, (Age 38), (A2), W/o.Prasath,
Vathiyarendhal, Thiruppuvanam Taluk, Sivagangai District.

...Petitioner/Accused

/Vs/

State through the Inspector of Police,
Thiruppuvanam Police Station,
Cr.No.177/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.S.Valmekanathan, Advocate for the Petitioner/Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides under perusing the material records, this court delivered the following;

ORDER

The petition dated:30.09.2022 has been filed u/s. 438 of Cr.P.C, praying to grant anticipatory bail to the petitioner/accused for the offences punishable under sections 417 and 420 of IPC.

The respondent police has registered a case against the petitioner in Crime No.177/2022 for the alleged offences under sections 417 and 420 of IPC. The alleged date of occurrence was 25.01.2020 and other dates. The FIR was registered on 16.06.2022.

Heard the learned counsels for the petitioner and the learned Public Prosecutor and perused the records.

On perusal of FIR, it has been noted that a case has been registered for the offences under sections 417 and 420 of IPC, on the allegation that due to previous enmity between the parties with regard to money dispute, on 25.01.2020 and other dates, the accused persons dishonestly collected money from the *defacto* complainant by promising double amount, so she collected of Rs.31,90,000/- from other persons and she was invested in share marketing and also cheated that amount. Thus, a case has been registered against the petitioner along with other accused.

The learned counsel for the petitioner/accused contended that that there is a previous enmity between the parties with regard to money dispute and the innocent petitioner had not committed any such offences, she has been falsely implicated in this case. Further the co-accused was already enlarged on bail by this Court in CrI.M.P.No.2775/2022 dated.22.07.2022 and this case was transferred from Thiruppuvanam Police Station to DCB, Sivagangai and therefore if the petitioner/accused is granted bail, she is willing to offer substantial sureties for her appearance before this Court. Hence prays to enlarge the petitioner on Anticipatory bail.

On the other hand, the learned Public Prosecutor has contended that the investigation is not yet completed and huge amount involved in this case, therefore if the petitioner is granted bail, she would indulge in similar kind of offence, she would abscond and also she may tamper with the material witnesses, thereby hampering the

investigation. Therefore, he has raised his strong objection to enlarge the petitioner on bail. Hence, prays to dismiss the petition. However, he would concede that there is no similar kind of offence pending against the petitioner/accused.

On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that there is a previous enmity between the parties with regard to money dispute and the co-accused was already enlarged on bail by this Court in Crl.M.P.No.2775/2022 dated.22.07.2022 and that there is no previous case pending against the petitioner/accused and the same were conceded by the learned Public Prosecutor. Hence, on considering the above facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner/accused under the following conditions;

- that in the event of surrender before the learned District Munsif *cum* Judicial Magistrate, Thiruppuvanam, on or before 04.11.2022, the petitioner/accused is ordered to be enlarged on bail on her executing a bond for a sum of Rs.10,000/- along with two sureties each for a like sum to the satisfaction of the learned District Munsif *cum* Judicial Magistrate, Thiruppuvanam;
- the petitioner/accused shall appear and sign before the DCB, Sivagangai daily at 09.30 a.m, for a period of 30 days, without fail;
- that the petitioner/accused should make herself available for interrogation as and when required by the respondent;

.4.

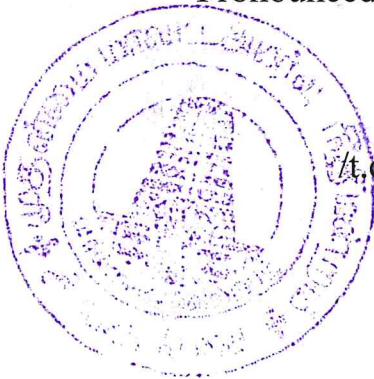
- that the petitioner/accused shall not tamper with evidence or witnesses either during investigation or trial and the petitioner should not abscond either during investigation or trial; and
- furthermore, the petitioner should be available and co-operate for investigation.

If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

- If any of the conditions is violated / not complied with, it shall be reported to the Judicial Magistrate concerned who may cancel the bail, as if it was granted by him / her, by following the decision of Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported as C.D.J. 2005 S.C. 848: A.I.R. 2006 SC 100.

Pronounced by me in Court, this the 15th day of October – 2022.

(S/d).M.Sumathi Sai Priya,
Principal Sessions Judge,
Sivagangai.



/t.c.f.b.o./

G. Velmurugan
15-10-2022
Sherishtadar,
Principal District Court,
Sivagangai.

To,

1. The District Munsif cum Judicial Magistrate, Thiruppuvanam.
2. The Inspector of Police, Thiruppuvanam Police Station.
3. The Inspector of Police, District Crime Branch Police Station, Sivagangai.
4. Thiru.S.Valmekanathan, Advocate for the Petitioner/Accused.

D.no.9748
15/10/22

Principal Sessions Court,
Sivagangai

Cr.M.P.No.4417/2022

Order dated:15.10.2022