



Crl.O.P.No.15351 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC in Crime No.164 of 2022 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused A1 to A4 are running a poultry farm in the name and style of VP Kuhan feeds and Poultries Pvt Ltd at Moolanur, Nathampalayam, Thiruppur District. The defacto complainant has supplied dry fish to accused 1 to 4 poultry farm, due to that relationship the accused 1 to 4 asked financial help to the defacto complainant. The accused already wanted to pay a sum of Rs.19,25,280/- to the defacto complainant for supply of dry fish. Further, the accused A1 to A4 have asked financial help to the defacto complainant a sum of Rs.30,00,000/-, in which the defacto complainant obtained loan through mortgaged his property in the bank and used his



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other sources and collected a sum of Rs.30,00,000/- and sent to the petitioner's account. Inturn the petitioner transferred the said amount to the 1st accused through RTGS but the said loan amount has not returned by the accused 1 to 4 to the defacto complainant. Hence, this complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a house wife and she has not known about the transaction between the accused 1 to 4 and the defacto complainant. He further submitted that she is an innocent and nothing to do with the alleged offence. Further, this Court by an order dated 17.06.2022 in Crl.O.P.No.14027, granted anticipatory bail to the accused 1, 2 and 4. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is the 6th accused in this case and has received the said amount and failed to repay the same and cheated the defacto complainant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Even according to the case of the prosecution, the defacto complainant supplied dry fish products for procured poultry feeds to the tune of Rs.19,25,280/- in which, the defacto complainant had received some part of amount and the petitioner was failed to pay the same.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioner shall execute 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 condition that:

[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 appear before the respondent police, as and when required for interrogation.

[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 229A IPC.

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