



Crl.O.P.No.16216 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.18 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives. The petitioner received Rs.7,00,000/- from the defacto complainant under the guise of getting Government job. Further it is alleged that the petitioner received Rs.2,00,000/- by way of cash and Rs.5,00,000/- by way of bank transfer from the defacto complainant, thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. Hence, he prays for grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the



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petitioner received money from the defacto complainant to the tune of Rs.7,00,000/-, under the guise of getting job and cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there is a civil dispute pending between the petitioner and the defacto complainant. The petitioner borrowed a sum of Rs.7,00,000/- for which she returned the entire amount through panchayat. Therefore, the defacto complainant had given a criminal colour to the money transaction between the petitioner and the defacto complainant, as the petitioner received a sum of Rs.7,00,000/- to get job in Court. They also produced the rejoinder for the reply notice sent by the defacto complainant and it revealed that the petitioner denied the allegations as against her and stated that the amount was not received for getting any job.

6. Considering the above facts and circumstances of the case, this



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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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Nagapattinam, on condition that the petitioner shall execute a 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:

[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 daily at



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10.30 a.m., for a period of two weeks and thereafter 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.

13.07.2022

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