



Crl.O.P.No.19550 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No. 100 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the wife of A1. The defacto complainant and A3 were colleague. It is alleged that the petitioner had received a sum of Rs.7,00,000/- from the defacto complainant for getting a job in the Aavin Milk. After receiving money, A1 neither arranged job nor returned the money. Based on the complaint, the present case has been registered as against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner/A2 is wife of A1. A1 had repaid an amount of Rs.2,25,000/- to the defacto complainant account. The remaining amount of Rs.3,50,000/- has to be paid. Thereafter, A1 died. He further submitted that the petitioner is ready and willing to pay a sum of Rs.2,00,000/- to the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally three accused, in which the petitioner is arrayed as A2. The petitioner is wife of A1. A1 along with other accused had received a sum of Rs.7,00,000/- from the defacto complainant for getting a job in the Aavin Milk. Thereafter, A1 repaid a sum of Rs.2,25,000/- to the defacto complainant and the remaining amount of Rs.3,50,000/- has to be paid.

5. The learned counsel appearing for the intervenor would submit that on 05.06.2019, the petitioner and A1 contacted the defacto complainant and said that there is a vacancy for the post of Junior Engineer in Aavin, Salem, for which they demanded a sum of Rs.7,00,000/-. Out of which they immediately demanded a sum of Rs.4,00,000/- as an advance. Accordingly, the defacto complainant has deposited Rs.4,00,000/- to the petitioner's account. Thereafter, on their demand the defacto complainant deposited a sum of Rs.1,75,000/- to the petitioner's account. Thereafter, they failed to get the job. On repeated demand of the defacto complainant, the petitioners have repaid only a sum of Rs.2,25,000 out of which Rs.5,75,000/- and the remaining amount



Crl.O.P.No.19550 of 2022

of Rs.3,50,000/- has to be paid and the same has been refused by the petitioner. Hence, he prays to dismiss the petition.

6. There are totally three accused, in which the petitioner is arrayed as A2. All the accused persons received a sum of Rs.7,00,000/- to get a post of Junior Engineer in Aavin Milk. However, the 1st accused died. The petitioner is wife of 1st accused. Sofar they returned a sum of Rs.2,25,000/- and the remaining amount of Rs.3,50,000/- has to be paid.

7. Considering the above fact and circumstances of the case and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakh only) to the defacto complainant by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order and on such payment and production of acknowledgment, the petitioner is ordered to be released on bail in the



CrI.O.P.No.19550 of 2022

event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Kallakurichi, Kallakurichi District, 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 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] petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakh only) to the defacto complainant by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.19550 of 2022

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

26.08.2022

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CrI.O.P.No.19550 of 2022

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Lpp

CrI.O.P.No. 19550 of 2022

26.08.2022