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Crl.O.P.No.19155 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, 420 and 120(b) of IPC, in Crime No.302 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached the first accused, who is running a Real Estate Company for purchased a house. Based on the terms and agreement, the defacto complainant paid a sum of Rs.11,00,000/- to the first accused. It is further alleged that the house for which the defacto complainant had paid advance, is not belongs to the first accused. When the defacto complainant went to the office of the 1st accused, wherein, the petitioner was there and she made arrangement to the defacto complainant to talk with the first accused, thereby, the petitioner along with others cheated the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner is innocent person and she has been falsely implicated



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in this case. He would further submit that the petitioner is the employee under the first accused, she has joined very recently in the office of the first accused and she has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor would submit that the petitioner along with others have received a sum of Rs.11,00,000/- on the pretext of selling a property in favour of the defacto complainant and thereafter, the defacto complainant came to know that he was cheated by the accused persons. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit the accused persons received a sum of Rs.11,00,000/- on the pretext of selling a property in favour of the defacto complainant and he was cheated by the accused persons. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. It is seen that there are totally 6 accused in which the petitioner is arrayed as A6 and she is an employee under the first accused.



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7. Considering the above facts and circumstances, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with 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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Coimbatore, 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.



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[b] 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.

[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 is 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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.08.2022

Vv



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