Crl.O.P.No.24099 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 120B, 406, 420 and 506(i) of IPC in Crime No.13 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant (in Crime No.5 of 2018) Amutha is that the accused namely Sasikumar, Saravanakumar, Settu and Santhalakshmi are known to her. Her son one Dinesh Babu has completed engineering in Electronics and Instruments and he was on the search for a job. At that time, the accused had introduced one Sasikumar saying that he is working as Director, Disaster Management Department in Central Government and that he would be able to get job for his son. On the promise and assurance of getting a job in Food Corporation of India, on various dates, he received several amounts to the tune of Rs.2,83,00,000/- and cheated the *de-facto* complainant. Further allegation is that on 02.07.2017, the second accused who informed that the interview for Food Corporation of India will be conducted at Sivaraj Holiday Inn, Salem. Believing the same, the

defacto complainant's son has got to the hotel. At that time, the accused had received the amounts and handed over the money to their respective spouses and the *de-facto* complainant was in the belief that he would get job and later, it was found that they have cheated her. Hence, the case.

3. Mr.Parthasarathy, learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would also submit that the petitioner is wife of one Natarajan, who was arrayed as A2 in this case. He would further submit that it appears that there is a financial dispute between the petitioner's husband and *de-facto* complainant, whereas a false case has been projected as if the *de-facto* complainant had given the money for securing a job for her son in the Government Department. From the reading of the FIR, it is seen that a case of money dispute has been projected as a case of cheating and even in the complaint, allegations are made against the main accused and complaint has been given as if the accused have received the amounts at a hotel and given it to their spouses. The complaint has been drafted cunningly and conveniently to implicate the family members who have no role at all. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the wife of the second accused. The second accused (A2) along with other accused on the false promise of getting job as AGM in Food Corporation of India had induced the *de-facto* complainant and received a sum of Rs.2,83,00,000/- and cheated them. He would also submit that as per the complaint, the petitioner was present along with other accused when the monies were received and the petitioner has also received the amount from the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Mr.V.Elangovan, learned counsel appearing for the intervenor would submit that the *de-facto* complainant is the wife of the second accused. He would also submit that the second accused had purchased properties in the name of the petitioner and the petitioner is the person, who prevented the second accused in repaying the money to the *de-facto* complainant.

6.At this juncture, the learned counsel for the petitioner would submit that previously four similar complaints have been given as against the petitioner's husband and other family members. After enquiry, all the cases have been closed as 'mistake of fact'. He would submit that the petitioner does not have any property in her name and in the last occasion, it was submitted by the learned counsel for the intervenor, he would furnish details with regard to the properties in the name of the petitioner. However, there is no property in her name.

7.Heard the learned counsels and perused the materials available on record. Taking into consideration the facts and circumstances of the case and also considering the fact that the allegations made against the main accused (A1), this Court is inclined to grant anticipatory bail to the petitioner 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 VI Judicial Magistrate, Salem,** on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 everyday at 10.30 a.m., until further orders.

[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].**

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

18.11.2022

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