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CrI.O.P.No.24339 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.120B, 406 and 420 of I.P.C. in Crime No.348 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 is the Managing Director of Smart Home Developers. All the other accused are employees of the said partnership concern. They have made an advertisement through online for sale of immovable properties, through which, they said to have cheated the defacto complainant on receiving a sum of Rs.5 lakhs. 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



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in the present case. He would submit that she joined in A1's company for wages and she was designated as a Sales Manager in the Company. He would submit that she is unaware of the charges and she worked under him. He would submit that she is no way connected with the alleged occurrence and she never indulged in any illegal activities as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that totally, there are 6 accused, and A1 and A2 are still absconding. A3 and A4 were arrested and remanded to judicial custody. Thereafter, they were granted bail by learned Judicial Magistrate No.3, Coimbatore. The main accused A1 and A2 have received a sum of Rs.5 lakhs from the defacto complainant. The petitioner is a lady and she worked as a Receptionist in their concern and there is no previous case pending against her. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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.3, 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 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 10.00 a.m., until further orders and she shall co-operate with the pending investigation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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