



Crl.O.P.No.25958 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 408 IPC in Crime No.146 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 21.04.2022, one Saravanan, the Zonal manager of Bell Star Micro Finance Limited lodged a complaint before the respondent police stating that the petitioner herein was working in their office as Loan officer to grant loan to women's self help groups. The allegation against the petitioner is that being loan officer, she has collected money from the members but failed to repay a sum of Rs.6,85,000/- to the finance company. The further allegation is that thereafter, the petitioner repaid a sum of Rs.3,09,391/- but failed to repay a sum of Rs.3,75,609/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a lady and she was working in a finance company. The allegation against her is that she has collected money from the members of women's self help groups but failed to repay a sum of Rs.6,85,000/- to



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the finance company. However, she had repaid the major amount collected from the members. He would further submit that due to illness, the petitioner was unable to attend the office and thereby, there was a delay in repaying the balance amount. He would further submit that even one week earlier, the petitioner had deposited a sum of Rs.2,91,765/- to the company. Therefore, the balance amount that has to be paid is only a sum of Rs.83,844/- and the petitioner is now ready to settle the due amount to the defacto complainant's company within a period of four weeks. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a collection agent working in a finance company. The allegation against her is that she has collected money from the members of women's self help groups but failed to repay a sum of Rs.6,85,000/- to the finance company. Hence, he opposed to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and taking into consideration that the petitioner is ready and willing to deposit the balance due of Rs.83,844/- to the credit of the defacto



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complainant's company, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.83,844/- (Rupees Eighty Three Thousand Eight Forty Four only) to the credit of the defacto complainant's company and produce the receipt before the concerned Magistrate within a period of four weeks from today, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Gingee on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 deposit a sum of Rs.83,844/- (Rupees



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Eighty Three Thousand Eight Forty Four only) to the credit of the defacto complainant's company and produce the receipt before the concerned Magistrate within a period of four weeks from today.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Saturday 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]**.

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

28.10.2022

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A.D.JAGADISH CHANDIRA, J.

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