



Crl.O.P.No.28051 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Section 420 of IPC in Crime No.269 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused had induced her and purchased raw cashew nuts worth Rs.36,91,891/- on various dates and thereafter cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in this case. The petitioner is none else than the wife of A1. He would submit a case of commercial transaction has been falsely projected as a case of cheating and the defacto complainant attempted to recover the money by using police force. He would further submit that the petitioner's husband/Vadivel/A1 was arrested and enlarged on bail by this Court in Crl.OP.No.26198 of 2022 dated 31.10.2022, on condition to deposit original title deeds of immovable property worth Rs.30Lakh to the credit of crime number.

The petitioner's husband had deposited the original title deeds of immovable



property worth more than Rs.30lakhs. He would reiterate that the case of business transaction has been attempted to be coloured as a criminal case.

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner had cheated the defacto complainant to the tune of Rs.36,91,891/-. The case is under investigation. Hence, he oppose for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), that A1 was arrested and enlarged on bail by this Court and A1 had also deposited the original title deed of immovable property worth morethan Rs.30lakhs and the petitioner is none else than the wife of A1. This Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the VIII Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute



a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 daily at 10.30am for a period of two 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 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.

With the above directions, this Criminal Original Petition is ordered.

16.11.2022



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A.D. JAGADISH CHANDIRA. J,
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