Crl.O.P.No.207 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 409, 420 r/w 120-B of IPC in Crime No.6 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant sought financial assistance from Private financiers to develop the college running by Sethu Educational Trust. Subsequently he approached the petitioner's husband /A1 who was introduced by the co-accused /A3 and they assured to arrange loan for a sum of Rs.200 Crores. Pursuant thereon, the defacto complainant approached claims to have paid a sum of Rs.5.46 crores on various dates towards the stamp duty charges and commission charges for arranging the above said loan. However, after receiving the amounts on various dates, the loan was not handed over as assured by the petitioner's husband/A1. Further A1 became unreachable and the defacto complainant was unable to recover the money. It is further alleged that therefore the petitioner's husband in connivance with others had dishonestly induced the

defacto complainant to part with 5.46 Crores and subsequently misappropriated the money. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the wife of A1 and her name does not find place in the FIR and absolutely there are no averments and allegations against the petitioner in the complaint. Further she never interacted with the de-facto complainant, nor she is aware of the transaction between the de-facto complainant and her husband. It is alleged that the petitioner's husband has received the money from the de-facto complainant and he transferred money to other accounts in various transactions. But the petitioner has not operated her accounts and she was not aware of the transaction and not gained any single money from the alleged transactions. Being the wife, the petitioner has been falsely implicated in this case. He further submitted that A1 and other co-accused have been arrested and released on bail and the properties also attached in Crime No.6 of 2022. He also further submitted that she is ready to abide any conditions that may be imposed by this Court. He further submitted that in another case in Crime No.194 of 2022, property worth of Rs.1 Crore was attached belongs to A1. Hence, the learned counsel prays to grant

anticipatory bail to the petitioner.

4. The learned counsel for the intervener submitted that the intervener is the Managing Trustee cum Treasurer, Sethu Educational Trust, No.477, 10th Cross street, Anna Nagar, Chennai sought financial assistance to develop his college through a mediator/accused Sudha and approached A1 accused B.M.Reddy @ Muthuvel @ Lion Muthuvel and in turn the accused A1 has assured to arrange loan of Rs.200 crores and with condition that the intervener has to pay 2% as commission. Believing their words, the intervener paid more than Rs.5 crores on various dates and times between April 2021 to July 2021 through Bank and cash transaction. After receipt of the amount the accused neither arranged loan nor returned the cheated amount and thus cheated to a tune of Rs.5.46 crores. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. side) submitted that the petitioner's husband cheated the defacto complainant to the tune of Rs.5,46,00,000/-. He further submitted that there are totally eight accused, in which petitioner is arrayed as A7, who is wife of A1 and a sum of

Rs.2,00,000/- has been transferred from the account of A1 to the petitioner. Hence he opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances, A1 and other accused persons have been arrested and released on bail. Furthermore, 1 crore worth of property has been attached for A1 in Crime No.194 of 2022, and the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five lakh only) to the credit of Crime No.6 of 2022, within a period of two weeks from the date on which the order copy made ready, 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 Special Metropolitan Magistrate, Exclusively for CCB/CBCID Trial Cases, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety must be a blood related surety, 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.5,00,000/- (Rupees Five lakh only) to the credit of Crime No.6 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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[f] the petitioner shall not abscond either during investigation or

trial.

[g] 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].**

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

03.08.2023

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