



Crl.O.P.No.5380 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 465, 468 & 471 of IPC, in Crime No.1 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, namely, Kasthuri Devi, is that A1/Navaneethi Krishnan induced her to believe that he would be able to secure a job in the railways, and believing the same, the defacto complainant collected money to the tune of Rs.2,55,50,000/- from 14 persons, and some amounts have been transferred to the account of A1 and some amounts were handed over to A2/wife of A1 and one Singaravelu, who is the father-in-law of A1. Thereafter, A1 neither secured a job for 14 people nor returned the amount. Hence, the complaint.



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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. She submitted that the petitioner is the wife of A1 and she is a Government Doctor working in a Primary Health Centre, that there was a financial dispute between the defacto complainant and the husband of the petitioner/A1, and that a false complaint has been given as if the amounts were taken for securing a job in the railway. She submitted that the petitioner, who has no role, has been unnecessarily roped in order to be seized by police action. The amounts were recovered from her. She further submitted that the petitioner is a Government servant and will not abscond, that she is ready to furnish adequate securities, and she is also prepared to deposit the original title deed in respect of the Flat at Thiruvananthapuram purchased by the mother of the petitioner in Housing Board vide Document No.156 of 2007 dated 11.03.2004 which would fetch much more than Rs.50 lakhs. Thereby, she prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.side) submitted that the petitioner is the wife of A1 and she along with A1 induced the defacto complainant to believe that they would be able to secure a job for 14 people in the railway, and believing the same, the defacto complainant had collected money from 14 people and Rs.1,26,00,000/- which was transferred through a bank and the balance was handed over in cash. The petitioner, who is the wife of A1, had received the cash, and she is also involved in the transaction. Thereby, he vehemently opposed the grant of anticipatory bail to the petitioner.

5.The learned counsel appearing for the Intervenor/defacto complainant submitted that the amount was also transferred in the account of this petitioner and A1 has cheated many persons like this, for which this petitioner is also colluding. He further submitted that there is one previous case is pending against the petitioner. So, according to him, the custodial interrogation of the petitioner is very much required.



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6. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

7. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate No.II, Erode**, on condition that the petitioner shall execute a 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:



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall deposit original title deed of the Flat at Thiruvananthapuram under Document No.156 of 2007 registered in the office of SRO, Saidapet dated 11.03.2004.

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

[e] the petitioner shall not abscond either during investigation or trial.

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

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

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16.03.2023

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