



CrI.OP.No.5649 of 2023

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A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC r/w 34 IPC in Crime No.35 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shanmugam, is that the petitioner along with her husband induced the defacto complainant stating that he would get job in France and received a sum of Rs.16,00,000/- by Bank transaction and Rs.3,00,000/- by cash, cheated the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would further submit that the petitioner is a French National and that on the instruction of one Shanmugam, the amounts were transferred to her account and later on the instruction of the very same Shanmugam, the petitioner had transferred the said amount by way of Euro to the account of one Anitha. He



would also submit that it is a case of financial dispute has been falsely projected as a case of job racketing. He would further submit that the petitioner is now in India and look out circular has also been issued against her. He would also submit that the petitioner, without prejudice, to show here bonafide, ready to deposit a sum of Rs.3,00,000/- to the credit of Crime No.35 of 2023 and she is also ready to co-operate with investigation.

4. The learned Public Prosecutor, Puducherry would submit that the petitioner along with her husband had cheated the defacto complainant to the tune of Rs.19,00,000/-. He would further submit that there are materials to show that an amount of Rs.16,00,000/- has been transferred to the account of the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Mr.M.R.Thangavel, the learned counsel for the intervenor would submit that the defacto complainant is a poor person. The accused had induced him and cheated a sum of Rs.19,00,000/-. Hence, he objected to grant anticipatory bail to the petitioner.



6. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.

7. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain 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 15 days from the date on which the order copy made ready, before the ***Judicial Magistrate I, Puducherry***, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, 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.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.35 of 2023, within a period of three weeks from the date on which the order copy made ready, failing which anticipatory bail granted by this Court shall stands automatically cancelled.

[c] the petitioner shall surrender her original Passport before the concerned Magistrate.

[d] the petitioners shall report before the respondent police every day at 10.30 a.m for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

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

[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.

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