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Crl.O.P.No.8465 of 2023

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S.SOUNTHAR, J.,

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i) of IPC in Crime No.171 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Sathishkumar is that the petitioner along with her husband approached the defacto complainant and borrowed a sum of Rs.36 lakhs from the defacto complainant for the purpose of starting hotel business in various countries and thereafter, cheated him without repaying the money. Further, when the defacto complainant demanded his money back, the accused threatened the defacto complainant and his family with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The husband of the petitioner only was having dealings with the defacto



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complainant and that the petitioner has been falsely implicated in this case.

Further, the defacto complainant has filed a suit in O.S.No.491 of 2019 on the file of the 1st Additional District Judge, Coimbatore, for recovery of money and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner/A1 along with her husband/A2 borrowed a sum of Rs.36 lakhs from the defacto complainant and thereafter, cheated him. Further, they have threatened the defacto complainant with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioner.

5. It is seen from the allegations made in the FIR that in respect of the very same transaction, the defacto complainant has filed a suit in O.S.No.491 of 2019, on the file of the 1st Additional District Court, Coimbatore, for recovery of money and after 4 years, she has come up with the present case.



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6. Having regard to the nature of allegations made against the petitioner in the complaint and also the timing of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 report before the respondent police everyday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for



Crl.O.P.No.8465 of 2023

interrogation.

[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].

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

04.05.2023
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Crl.O.P.No.8465 of 2023

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(1/2)