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Crl.O.P.No.7967 of 2023

Crl.O.P.No.7967 of 2023
and
Crl.M.P.No.5485 of 2023

K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 468, 471 & 120B of IPC in Crime No.173 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the husband of the petitioner, who worked as Cashier in the de-facto complainant Institution, collected fees from various students and issued forged duplicate bills and manipulated a sum of Rs.51,83,900/- from the said Institution. On 27.12.2022, the petitioner (2nd accused) and her husband (1st accused) met the de-facto complainant and promised to return the amount within a week. But accused Nos.1 & 2 failed to keep the promise and de-facto complainant made complaint against



Crl.O.P.No.7967 of 2023

them, based on which FIR was registered. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is not aware about the above offence committed by 1st accused and she is only house wife. The de-facto complainant falsely implicated the petitioner as accused only to harass her. She is not working in the de-facto complainant Institution and she is no way connected with the offence. The petitioner is ready to abide by any condition that may be imposed by this Court. He further submitted that the respondent Police already arrested the 1st accused and he is in Judicial custody.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on



CrI.O.P.No.7967 of 2023

record.
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6. Taking into consideration the facts and circumstances of the case and the fact that A1 is arrested, 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, Poonamallee**, 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:



Cr1.O.P.No.7967 of 2023

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police thrice a week at 10.30 a.m. for a period of four 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 absconds, a fresh FIR can be registered under Section 229A IPC. Consequently, the connected Miscellaneous Petition is closed.

17.05.2023



Cr1.O.P.No.7967 of 2023

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Crl.O.P.No.7967 of 2023

K.KUMARESH BABU, J.,

krk / lok

Crl.O.P.No.7967 of 2023

17.05.2023