



Crl.OP.No.9765 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506(1) of IPC in Crime No.289 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on a promise of arranging for a job to the elder son of the *de facto* complainant, the petitioner along with A2 had received a sum of Rs.7,00,000/- from the *de facto* complainant on 11.05.2019. Thereafter, the petitioner and A2 had neither arranged for a job nor returned the amount. When the *de facto* complainant questioned the same, he was threatened by the petitioner and A2. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and was falsely arrayed as accused in this case. He would also submit that the petitioner had already paid a sum of Rs.3,50,000/- to the *de facto* complainant and the amount due is only a



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sum of Rs.1,50,000/-. Further, he submitted that the petitioner is ready to deposit the same to the credit of crime No.289 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the petitioner had cheated amount to the tune of Rs.7,00,000/- on a false promise. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the fact that the petitioner had already paid a sum of Rs.3,50,000/- and now, she undertakes to deposit the remaining admitted sum of Rs.1,50,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.289 of 2022, within a period of four weeks from the date on



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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 District Munsif cum Judicial Magistrate, Tharangambadi, Mayiladuthurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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:

[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.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.289 of 2022, before the concerned Magistrate, within a period of four 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.



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[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

18.05.2023

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