



Crl.O.P.No.10129 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely C.Sumathi, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120B, 420, 406, 294(b) and 506(2) IPC in Crime No.39 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is shown as accused in Crime No.39 of 2023 for the offences under Sections 120B, 420, 406, 294(b) and 506(2) IPC. It is the submission of the learned counsel for the petitioner that, petitioner is aged about 62 years. She has nothing to do with the alleged investment of defacto complainant in the share market, through A1 and A2. Unnecessarily, she is implicated as accused in this case.

3. Learned counsel for the intervenor submitted that, this petitioner and her daughter Rubavathi promised the defacto complainant to invest money for high returns in the share market. Believing the words of the accused, defacto complainant invested to the tune of Rs.63,50,000/-.



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However, it turned out that, the investment was made to the tune of Rs.22,77,297/- alone. Thus, he strongly opposed this petition.

4. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, amounts are deposited in the accounts of A1 and A2. No amount was deposited in the account of A3/petitioner. A1 and A2 were arrested and remanded to judicial custody. Thus, he prays for dismissal of this petition.

5. Considering the nature of allegations made in the first information report, it is seen that the defacto complainant had paid a sum of Rs.63,50,000/- to the accounts of A1 and A2, for investing in the share market and later, she found that, she was cheated and that only a sum of Rs.22,77,297/- alone is invested in the share market and the remaining amount is spent by the accused. It is not known, how the defacto complainant believed the accused in depositing such a huge amount. The fact remains that, the only allegation made against this petitioner is that, she along with A1 and A2 had informed the defacto complainant that, she can get huge profits in the share market business. Admittedly, the defacto



complainant had not paid any amount to the account of the petitioner.

6. Therefore, considering the above facts and circumstances and the fact that A1 and A2 were already arrested and remanded to judicial custody, and the petitioner herein is a women, aged 62 years and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioner is not necessary and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate I, Tirupattur, Tirupattur District**, 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:

[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



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pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for further 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.

[d] 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.

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