



Crl.O.P.No.10386 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 406 and 420 in Crime No.157 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Dhanaselvan is that the accused is known to him and during the year 2019, the accused had represented that she is a influential person and she would able to get admission/seat for the defacto complainant's son in Ramachandra Medical College and had received Rs.23.50 lakhs. Later, she did not obtain medical seat for the defacto complainant's son. When the defacto complainant asked her to return the amount, she had repaid Rs.3.50 lakhs by way of several instalments and then she had refused to repay the balance amount of Rs.20 lakhs and cheated him. Hence the complaint.



Crl.O.P.No.10386 of 2023

WEB COPY

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Further he would submit that the petitioner who was doing a duty free shop previously and during the year 2019 she had taken a hand loan of Rs.7.50 lakhs from the defacto complainant and she repaid the amount of Rs.3.50 lakhs to the defacto complainant. During the covid period, she suffered loss in the business and thereby she was not able to repay the balance amount. Now the defacto complainant has given a false complaint as if the petitioner has received 23.50 lakhs to get medical seat for defacto complainant's son. He would further that without prejudice to her rights and defence, the petitioner is ready and willing to deposit her original title deed of immovable property worth about Rs.15 Lakhs to show her bonafide and prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner induced the defacto complainant that she will get medical seat for defacto



Crl.O.P.No.10386 of 2023

complainant's son and received sum of Rs.23.50 lakhs. Later, she did not obtain medical seat for the defacto complainant's son and repaid Rs.3.50 lakhs to the defacto complainant. Then she had refused to repay the balance amount of Rs.20 lakhs and cheated him. He further submitted that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, 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.III, Coimbatore**, on condition that the



Crl.O.P.No.10386 of 2023

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/trial Court 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., until further orders.

[c]The petitioner shall deposit the original title documents of immovable property, worth about Rs.15 lakhs to the credit of Crime No.157 of 2023 (either belonging to herself, friends or relatives) and also the valuation certificate for the same, before the court at the time of furnishing sureties.



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Crl.O.P.No.10386 of 2023

[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] 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 petitioners released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[g] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

06.06.2023

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Crl.O.P.No.10386 of 2023

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Crl.O.P.No.10386 of 2023

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