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Crl.O.P.No.10567 of 2023

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K. KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC, in Crime No.95 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 04.12.2020 at 09.00 hours the accused persons along with A1 had conducted small scale savings plan in the name of Gold Jewellery and collected money from the defacto complainant and general public with dishonest intention and cheated them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the daughters of A1 and they are not responsible for the cheated amount. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he seeks for grant of anticipatory bail to the petitioners.



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4. Per contra, the learned Additional Public Prosecutor (Puducherry) would submit that the petitioners along with A1 have jointly collected a sum of Rs.3 Crores from the public under the guise of chit fund. He would further submit that the investigation is not yet completed and it is in preliminary stage, if the petitioners are granted anticipatory bail at this stage, then there will be possibility of tampering the witnesses and hampering the investigation and hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor (Puducherry) and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-IV, Puducherry**, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

18.05.2023

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