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Crl.O.P.No.10736 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 420, 406, 403, 379 read with 120 B IPC, in Crime No.321 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, M/s. National Collateral Management Service, has filed a complaint against 35 persons including the present petitioner before the respondent police on the ground that they had cheated the company by clandestinely sold the goods under their control in the godowns owned by the petitioners. On the basis of the complaint lodged by the defacto complainant, a case has been registered in F.I.R. No.321 of 2019 against the accused.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent lady and that she does not know anything about the alleged transaction except signing the papers in the bank at the instance of her father and any action against the petitioner would affect her family life. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioner has also signed in the loan transaction availed by her father Periyasamy (1st accused), who had, along with other accused, cheated the defacto complainant company by clandestinely sold the goods under their control in the godowns owned by them. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.



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6. Taking into consideration the facts and submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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-II, Cuddalore Port, Cuddalore 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 pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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.

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