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Crl.O.P.No.11931 of 2023

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 of IPC, in Crime No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vanaja is that the accused had induced her stating that she is running a super market and she had further stated that she has invested in the business and getting good returns. Believing the same, the defacto complainant had invested a sum of Rs.20 lakhs in the Super market business, whereas, the accused has neither returned the amount nor given any profit. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered

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against the petitioner. He would further submit that the defacto complainant is a money lender and the petitioner had borrowed some amount and the petitioner has repaid a sum of Rs.1 lakh sofar, whereas, the defacto complainant had not returned the document given by the petitioner and given a false complaint as if the petitioner had cheated her. He would further submit that even in the complaint, the defacto complainant has admitted that she received documents and signatures of the petitioner in bond papers as security. He would also submit that Al/ husband of the petitioner was arrested and later he has been released on bail. He would also submit that he had also executed a promissory note of the defacto complainant. He would also submit that a case of financial transactions/commercial transactions has been falsely projected as a case of cheating. Hence, he would prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the accused had induced her stating that she is running a super market and she had further stated that she has

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invested in the business and getting good returns. Believing the same, the defacto complainant had invested a sum of Rs.20 lakhs in the Super market business, whereas, the accused has neither returned the amount nor given any profit. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records.

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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Vellore,** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)

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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 report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter every Saturday 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

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

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