



Crl.O.P.No.12442 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 alleged offences punishable under Sections 120B, 379, 403 and 406 of IPC, in Crime No. 321 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jayaraman, Regional Manager for M/s.National Collateral Management Service Limited is that, the petitioner had availed commodity loan from M/s.Axis Bank by pledging ground nuts bag and the defacto complainant was the key guardian of godown and at the time of inspection, the stock of groundnuts given as collateral security was found missing and thereby, the accused have cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner has availed a loan and thereafter the petitioner and other accused has sold the ground nuts bag kept in the godown as security and cheated the defacto complainant. However, the petitioner has repaid the loan and she may be required for enquiry alone.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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, Kallakurichi**, on condition that the petitioner shall execute a bond for a sum of **Rs.5,000/- (Rupees Five Thousand only)** with one surety, for a like sum to the satisfaction of the respondent police



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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 surety 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 as and when required for 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.

[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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