



Crl.O.P.No.13323 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 403 and 420 of IPC, in Crime No.92 of 2023 seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sadiq Basha, Manager of the Ujjivan Small Finance Bank, Gudalore Branch, is that the petitioner is working as a Customer care representative in the said bank and she looted the amount of Rs.13,50,895/- and returned the amount of Rs.90,000/- and she did not return the remaining amount of Rs.12,76,818/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is working in Ujjivan Small Finance Bank, Gudalore Branch for the past 10 years, due to dispute with the manager, he has given a false complaint. He further submit that when the amount was verified and the petitioner was asked to pay the amount, she paid the amount of



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Rs.90,000/- to the defacto complainant whereas, now, a false complaint has been given. However, he would submit that without prejudice, the petitioner is also prepared to deposit original title deeds of immovable property worth Rs.10 lakhs to show his bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is a customer care representative working in the defacto complainant Ujjivan Small Finance Bank and she has cheated the amount to the tune of Rs.13,50,895/- when she confronted, she has returned Rs.90,000/- and the balance amount remains to pay is Rs.12,76,818/-. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also the petitioner is prepared to deposit title deeds of immovable properties worth about Rs.10 lakhs, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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, Gudalur, Nilgiris District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) with two sureties** 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 deposit original title deeds of immovable property worth Rs.10 lakhs either belonging to themselves, relatives or friends.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders;



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[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] 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]***; and;

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

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