



Crl.O.P.No.13241 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 406, 420, 506(ii) IPC in Crime No.40 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused approached the defacto complainant and induced him to enter into a business and they have given assurance to give commission/profit in the business. Believing the same, the defacto complainant deposited a sum of Rs.66,67,830/- to the accounts of the accused for supply of goods. The petitioner failed either to return the amount or supply the goods and cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that there was a business transaction between



Crl.O.P.No.13241 of 2023

the petitioner's husband and the defacto complainant with regard to supply of goods and due to shortage of funds, a false complaint has been given as if the petitioner along with her husband had cheated the defacto complainant. He would further submit that the petitioner's husband was arrested and he was in jail for 70 days and later he was released on statutory bail. He would further submit that even prior to the arrest of the petitioner's husband, the petitioner mortgaged her property and paid certain amount to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner along with her husband induced the defacto complainant on the promise of supplying goods, cheated the defacto complainant to the tune of Rs.66,67,830/-. However, he would submit that a sum of Rs.7,00,000/- has been repaid by the petitioner to the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.13241 of 2023

WEB COPY

5. Heard both sides and perused the materials available on record including the FIR.

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 Principal Sessions Judge, Villupuram** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 :



CrI.O.P.No.13241 of 2023

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 every day at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 am., 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] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



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CrI.O.P.No.13241 of 2023

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

8. Accordingly, the Criminal Original Petition is ordered.

**27.06.2023**

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Crl.O.P.No.13241 of 2023

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**Crl.O.P.No.13241 of 2023**

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