



Crl.O.P.No.14239 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 417 and 420 IPC in Cr.No.5 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Gunasekaran is that his son had intended to join medicine in Annamalai University. At that time, the petitioner along with her husband approached the defacto complainant and induced him stating that they would be able to get seat for his son and based on their inducement, the defacto complainant paid a sum of Rs.19,50,000/- to the accused during October 2011, whereas, the accused neither obtained any seat nor repaid the amount. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the petitioner is working as



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a Professor in Mother Theresa University. She had married to one Kavignar Kolanji who was working in the Annamalai University against whom there were several cases of financial misdeeds and on coming to know of his activities, the petitioner separated from him and she is living alone along with her 2 children from the year 2011. While so, she got an information that her husband died in the year 2017. Now in order to recover the money, a false complaint has been given against the petitioner as if, she along with her husband induced the defacto complainant and obtained money in the year 2011. Hence, he prayed for grant of anticipatory bail to the petitioner. However, on verification, he would submit that the petitioner understands that the money has been paid to her husband's bank account.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would oppose for the grant of anticipatory bail to the petitioner stating that the petitioner is the wife of the main accused. During the year 2011, the petitioner along with her husband, received a sum of Rs.19,50,000/- from the defacto complainant out of which, a sum



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of Rs.9,50,000/- has been paid through bank, for obtaining medical seat to the son of the defacto complainant and later, the accused have cheated the defacto complainant.

5. The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail to the petitioner stating that the defacto complainant with fond hope of getting medical seat for his son, had paid a sum of Rs.19,50,000/- to the petitioner and her husband, whereas, they have cheated the defacto complainant.

6. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

7. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail



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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 18th Metropolitan Magistrate, Saidapet**, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;



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(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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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