



Crl.O.P.No.14594 of 2023

Crl.O.P.No.14594 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 418, 420, 465, 467, 468, 471 of IPC in Crime No.05 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Ravikanth Lakshman Rao Jarang, Director of the ESCO Global Private Limited, Haryana, is that the accused had cheated the defacto complainant in fruits and vegetables trade to the tune of Rs.3 crores. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is the wife of one Sitaram Suravelu/A1 and the said A1 had started the company in the name of the



Crl.O.P.No.14594 of 2023

petitioner and he was having business dealings with the defacto complainant and supplied goods worth about Rs.2,64,00,000/- out of which, the defacto complainant has repaid the amount of Rs.1,67,00,000/- and the amount of Rs.96,00,000/- was outstanding. While so, the defacto complainant had sold the stocks received from the petitioner's husband A1 to accused 3 & 4. The defacto complainant did not repay money to the petitioner's husband and thereby on the insistence made by her husband/A1 the accused 3 & 4, have diverted the funds to the accounts of the petitioner. Other than that, the petitioner and the other accused have not committed any offence as alleged by the prosecution, and a false complaint has been given against him. He would further submit that after the dismissal of the earlier application the petitioner's husband has been arrested and later released on bail. Subsequently on the reconciliation of accounts there is also a likelihood of settlement between the parties and the defacto complainant has agreed to get the money from the accused 3 and 4. He would further submit that the petitioner is a lady and she is not directly involved in the business dealing with the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.14594 of 2023

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant was having business dealings with the petitioner and her husband. During the course of business, they have supplied goods and later the defacto complainant had sold the goods to third party, whereas the third party who was set up by the petitioner without sending money to the defacto complainant had diverted the funds to the accounts of the petitioner and her husband. However, he further submitted that the arrested accused was released on bail. Hence, he objects for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts 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.



Crl.O.P.No.14594 of 2023

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, Gudiyatham, Vellore District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

[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 station everyday at 10.30 a.m for a period of one week and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



Crl.O.P.No.14594 of 2023

[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;

12.07.2023

drl



WEB COPY



Crl.O.P.No.14594 of 2023

A.D.JAGADISH CHANDIRA. J.

drl

Crl.O.P.No.14594 of 2023

12.07.2023

Page 6 of 6