



Crl.O.P.No.19195 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC, in Crime No. 480 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused in the guise of running a finance Company in the name of Again Credit Services, have announced for getting loan for Rs.3 lakh and should be paid 10% of an advance amount to the office. While so, on 26.03.2022, when the defacto complainant went to the office and asked for loan, the petitioner, who is working as Branch Manager has collected a sum of Rs.28,000/- from the defacto complainant by assuring that she sanctioned a loan of Rs.3 lakh to the defacto complainant and the petitioner failed to do so. Thereafter, the said Finance Company was closed. Immediately, when the defacto complainant approached the petitioner and asked to return the amount, the petitioner said that she is only working as Branch Manager and the General Manager of the



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Company has taken entire office records and amount and ran away.

Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was working as Branch Manager of the company for monthly salary and she did not collect any amount from the defacto complainant and others. Vishnuvarthan, the General Manager of the company has collected money from the defacto complainant and cheated the defacto complainant. He would also submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that petitioner along with other accused in the guise of running a Finance Company have received a sum of Rs.28,000/- from the defacto complainant for obtaining loan of Rs.3 lakh and thereby cheated the



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defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, **the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 480 of 2022 before the concerned Magistrate**, and on such deposit 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, Uthangarai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 480 of 2022 before the concerned Magistrate.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, shall appear before the respondent police as and when required for interrogation.

[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 petitioner in accordance with law as if the conditions have been imposed



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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]**.

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

29.08.2023

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