



Crl.O.P.No.22234 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 109, 120B, 420, 468 and 471 IPC in Crime No.326 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had stated that the accused persons had informed that they would exchange 2000 Rupee denomination notes for 15 percent commission basis if the defacto complainant gives 500 Rupee notes. The defacto complainant had collected Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) in 500 Rupee notes. When he was about to come, all the accused persons had taken that money and did not return either 500 Rupee notes or the equal value of the 2000 Rupee notes. Thus, the defacto complainant lodged a complaint before the respondent police this case. Hence, this case.



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3. The learned counsel for the petitioner stated that the petitioner has been arrayed as A12 and she is the wife of A1. He also stated that the petitioner is an innocent person and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. It is stated by the learned Government Advocate (Criminal Side) that A1, A2, A3, A4, A5, A6 and A7 had been granted bail. Investigation not have been completed under Section 167 of Code of Criminal Procedure.

5. The learned counsel for the petitioner stated that to express her bonafide she would deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) which is hardly equivalent to the loans of the defacto complainant.

7. Taking into consideration of the facts, this Court cannot take



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up the role of collecting money lost by the defacto complainant, but only impress upon the defacto complainant to let credible evidence, so that final judgment can be delivered in accordance with the available records by the learned Trial Judge. Therefore, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

8. 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 Judicial Magistrate No.I, Pollachi**, 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:

[a] the petitioner and the sureties shall affix their



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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 appear before the respondent police once in a week at 10.30 a.m., for a period of four weeks and thereafter, as and when required for the interrogation.

[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 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]**.



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

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