Crl.O.P.No.4269 of 2024

G.K.ILANTHIRAIYAN, J

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 r/w.34 of IPC, in Crime No.123 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's husband, the alleged first accused having his native from Kerala, had started various fake man power companies with the objective of getting job at ships for candidates after getting money from them in the name of deposit and training for the job. That, the petitioner had started companies in the name of "Bharathiar Shipping and allied Services" "Central Marine Services" without getting proper authorization from the Government, and that further they had started company named Niles Gold India Pvt., Ltd., and made people to pledge their gold jewels and also had invited candidates to get training as gold appraiser and manager, promising them to pay the candidates Rs.60,000/- every month after training and assured employment in their company with Rs.36,000/- salary per month and had received Rs.3,00,000/- from each candidate as a security deposit. That, the petitioner along with the other alleged accused

persons had cheated several people by making false promises. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she is no way connected with the offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with A1 started a company and assured to give job at ships after getting money. Thereafter, the defacto complainant was refused to give any job. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. There are totally four accused, in which the petitioner is arrayed as A2. It is seen that subsequently, the petitioner also started another company and cheated 38 victims and collected Rs.39,00,000/-. However, the first accused, who is the husband of the petitioner herein, was already arrested and remanded to judicial custody. As far as the petitioner, she is the wife of A1. However, the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit title deed of considerable value.

6. Therefore, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is directed to deposit original title deeds (stand in the name of the petitioner or her husband or his friends or relatives) not below the value of Rs.25,00,000/- (Rupees twenty five lakhs only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.123 of 2022 on the file of the respondent police, within a period of four weeks from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Metropolitan Magistrate Court for CCB and CBCID Cases, Egmore 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 XIth Metropolitan Magistrate, Egmore Court, Chennai, 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 deposit original title deeds (stand in the name of the petitioner or her husband or his friends or relatives) not below the value of Rs.25 lakhs (Rupees twenty five lakhs only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.123 of 2022 on the file of the respondent police, before the concerned Magistrate, with a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial judge at conclusion of trial.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].**

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

28.02.2024

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