



Crl.O.P.No.4544 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 of I.P.C. in Crime No.856 of 2023 registered on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant is the Managing Trustee of a Trust which receives donations from foreign. The Petitioner herein is running a women self-help group. It is stated that she had received a sum of Rs.11,00,000/- (Rupees Eleven Lakhs only) from the defacto complainant for further disbursal to needy persons. Though she had received the amount and had disbursed to various others, she had received back the amount but had not paid back to the defacto complainant. This had necessitated the defacto complainant to lodging of complaint and the registration of First Information Report.



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3. The learned counsel for the Petitioner stated that the Petitioner would deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.856 of 2023.

4. It is stated by the learned Government Advocate (Criminal Side) that during the enquiry, the Petitioner had also accepted to return the amount and had also stated that the stated return amount is about Rs.8,50,000/- (Rupees Eight Lakhs and Fifty Thousand only).

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions that **the Petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.856 of 2023 before the learned Judicial Magistrate No.III, Salem on or before 19.04.2024 and on such deposit, the learned Judicial Magistrate No.III, Salem may hand it over to the defacto complainant.** Accordingly, the Petitioner is ordered to be released on bail 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 Judicial Magistrate No.III at Salem**, on condition that the petitioner shall



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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 conditions 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 a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.856 of 2023 before the learned Judicial Magistrate No.III, Salem on or before 19.04.2024 and on such deposit, the learned Judicial Magistrate No.III, Salem may hand it over to the defacto complainant

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

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



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[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 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.

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