



Crl.O.P.No.5724 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 120(B), 465, 467, 468, 471, 420 of IPC in Crime No.371 of 2023, seek anticipatory bail.

2. The case of the prosecution is that petitioners along with other accused persons cheated the defacto complainant by making false promises of admission to a medical college. On believing their words, the defacto complainant paid Rs.16,34,796/-. Thereafter, no response from the accused persons. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that they are innocent persons and they have not committed any offence as alleged by the prosecution. He would submit that 2nd petitioner is no more. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that 1st petitioner is the wife of 1st accused and 2nd petitioner is the brother of A1 and they jointly received the amount from the defacto complainant by making false promises of admission to a medical college. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also considering the fact the co-accused was enlarged on bail, this Court is inclined to grant anticipatory bail to the 1st petitioner subject to the following conditions.

6. Accordingly, the 1st petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance before the **learned Judicial Magistrate Court No.II, Thirupathur** 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



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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 1st 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 1st petitioner is directed to report before the respondent police on every Saturday at 10.30am., for a period of two months and thereafter, as and when required for interrogation;

[c] the 1st petitioner is directed to deposit a sum of Rs.7,00,000/- (Rupees seven lakhs only) to the credit of Crime number within a period of three weeks from the date of receipt of a copy of this order.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner shall not abscond either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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.

7. Post this matter under the caption “ For Reporting Compliance” on 10.06.2024.

12.04.2024

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