



Crl.O.P.No.15026 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 120B & 506(i) of IPC, in Crime No.23 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant invested a sum of Rs.70,00,000/- in the business run by the petitioner under the name and style of M/s.One Stitch Fabric House, and was cheated. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution. He also stated that the petitioner is the mother of the accused/A1 and is not related to the business run by her daughter, and she was falsely dragged into this complaint. He further submitted that the alleged dispute was compromised between the parties in terms of a memorandum of understanding dated



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24.01.2024. According to the petitioner, the stock purchase value of Rs.55 lakhs, interior decoration of Rs.20.5 lakhs and an advance amount of Rs.7.5 lakhs and all other expenses, as admitted by the defacto complainant and further, the defacto complainant will also bear full responsibility for the future business. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused have induced the defacto complainant to invest a sum of Rs.70,00,000/- in the business. He also submitted that the alleged dispute had been settled between the parties with Memorandum of Understanding dated 24.01.2024. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the matter has been compromised between the parties, this Court is inclined to grant



anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID Metro Cases, Egmore, Chennai – 08*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.23 of 2024, before the concerned Court, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the defacto complainant is permitted to withdraw the amount by filing necessary affidavit and proper identification and acknowledgment."

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and

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the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report 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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

09.07.2024

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