



Crl.O.P.No.17603 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406 and 379 of IPC and Section 66 C of the Information Technology Act, 2000 in Crime No.521 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that at the time of marriage of the de-facto complainant's son, the petitioner was directed by the de-facto complainant to send some funds from her mobile phone to some other accounts for marriage expenditure but instead of that the petitioner by breaking the trust and using the de-facto complainant's cell phone password have send a sum of Rs.5,15,000/- to some Akshaya bank account and 28 Sovereign of gold was also missing from the locker of the de-facto complainant's home. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the alleged offence as stated by the prosecution and he also further submitted that she is a law student. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned counsel for the Intervenor accepting notice for the de-facto complainant and submits that at the time of marriage of the de-facto complainant's son, the petitioner only came to assist the de-facto complainant but instead of assisting her, the petitioner had transferred funds to her bank account to the tune of Rs.5,15,000/- and took away 28 Sovereigns of gold jewels from the house of the de-facto complainant. Hence, he raised strong objections in granting anticipatory bail to the petitioner.

5. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioner had cheated the de-facto complainant to the tune of Rs.5,15,000/- and 28 Sovereigns of gold jewels. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering that no previous case is pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions failing which bail shall stand cancelled.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial*



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

[b] the petitioner shall report before the respondent police at every Tuesdays and Saturdays at 10.30 AM for a period of three months without fail;

[c] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.521 of 2024 within a period of two weeks from the date of receipt of copy of this order and on such deposit, the de facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

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

[e] the petitioner shall not abscond either during



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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 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 abscond, a fresh FIR can be registered under Section 229-A IPC;

8.The matter is referred for mediation in order to resolve the dispute amicably between the parties. Therefore, the parties are directed to appear before the Mediation and Conciliation Centre, Chennai on 05.08.2024 without fail. Mrs.Sudharshana Sunder, Mob.No.+919444232590 is appointed as Mediator.

26.07.2024

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