Crl. O.P. No.17748 / of 2024

P. DHANABAL.J.,

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Section 318(4) of B.N.S. in connection with the Cr. No.432 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused induced the defacto complainant to invest in litigation properties for earning more profits. On 23.02.2015, the petitioners met the defacto complainant and said that the petitioner Anandhi has passed the judiciary exam, but she must pay Rs.25 lakhs to pass the interview and on the first week of March 2015, the defacto complainant gave the said amount to the accused and they also received a sum of Rs.25,00,000/- for buying a litigation property in the name of the defacto complainant and also induced the defacto complainant to invest in Bitcoin mining. On believing the words, the defacto complainant transferred Rs.8,64,90,057/- to the bank account of Sri Associates and the petitioner's husband Rajesh on various occasions. Thereafter, the defacto complainant came to know that the said Sri Associates is in the name of the petitioner's husband Rajesh and when he enquired about the amount which was given to the Rajesh, subsequently, the defacto complainant came to know that the petitioner

along with his husband fraudulently obtained Rs.9,14,90,058/- from him and cheated and hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against the petitioner for the offence under Section 420 of IPC. As per the prosecution, the defacto complainant was searching for an Advocate his case and he came to know about the accused Rajesh, who claimed to be a practicing Advocate in Coimbatore district. The accused Rajesh informed the defacto complainant that a property would soon be coming up for auction through Court and suggested him that he could purchase the property and sell it at a higher price and believing his words, the defacto complainant invested money and the accused Rajesh additionally informed the defacto complainant that this petitioner, who is the wife of accused Rajesh, had cleared Civil Judge exam and in order to get appointment, he requested for a loan and he also convinced the defacto complainant to invest in bitcoin trading through his business M/s. Sri Associates to get high profits and when the defacto complainant demanded his money back, the accused did not return and cheated him. In fact, the petitioner is a practising Advocate and in the year 2012, she successfully passed the Civil Judge exam but she

did not score well in the interview and therefore, she did not pass the exam. The petitioner's husband had a business transaction with the defacto complainant and she is nothing to do with the business transactions between them. But the respondent police, without enquring the matter, have registered a false case as against the petitioner. Even according to the prosecution, this petitioner has not directly participated in the money dealings between the 1st accused and the defacto complainant. Hence, the petitioner may be released on anticipatory bail.

4. The learned counsel appearing for the intervenor / defacto complainant would submit that this petitioner along with the other accused have represented themselves as Advocates and thereby, he used to engage them as his counsel in various cases and also they represented that they would get disputed properties in auction through Court and thereby, they would gain more profits and also obtained money for investing in the business of bitcoin mining and other business purposes and thereafter, he came to know that this 1st accused is not even an Advocate and his wife is an Advocate and the accused have cheated him to the tune of Rs.9 crores under the guise of investing in the business of bitcoin mining in the name of Sri Associates and thereafter, he lodged a complaint and based on his

complaint, FIR has been registered and thereafter, the petitioner along with his husband, filed an anticipatory bail application and this Court after hearing both sides, granted an interim anticipatory bail on condition to deposit a sum of Rs.75 lakhs. Thereafter, they have not complied the condition imposed by this Court and they only paid Rs.10 lakhs. Therefore, the petitioner is not entitled to get anticipatory bail and hence he prayed to dismiss the petition.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that based on the complaint given by the defacto complainant, they registered the case in Cr. No.432 of 2024 for the offence under Section 420 of IPC and the case is under investigation. However, this Court granted an interim anticipatory bail to deposit a sum of Rs.75 lakhs, but the petitioner failed to comply the condition and hence he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions on either side, considering the nature of offences, considering the fact that there are business transactions between the petitioner's husband and the defacto complainant and even according to the defacto complainant, he invested money in the business of

bitcoin mining in the name of Sri Associates and also he admitted that he invested money to get properties through Court auction and even according to the prosecution, this petitioner has not directly participated in the money dealings between her husband and the defacto complainant and this petitioner is a practising advocate, that already this Court granted an interim anticipatory bail on condition to deposit a sum of Rs.75 lakhs, but the learned counsel appearing for the petitioner would submit that due to the financial condition, she was unable to deposit the entire amount, but to show the bonafideness, she deposited Rs.10 lakhs and even according to the complaint, the petitioner's husband obtained money for a sum of Rs.25 lakhs, since his wife, the petitioner herein, has passed in the judiciary exam and in fact as per records, in the year 2012, the petitioner successfully passed in the Civil Judge exam and thereafter, she did not score well in the interview and hence, she has not been selected for the said post and considering the fact that there is no previous case pending against this petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. 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.VI, Coimbatore o**n 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

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

[e] 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].

 [f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

29.10.2024
[2/3]

mjs

P.DHANABAL,J
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To

1.The Judicial Magistrate No.VI, Coimbatore
2. The Public Prosecutor, High Court, Madras.
3.The Inspector of Police, Peelamedu Police Station, Coimbatore City.

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29.10.2024
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