



Crl.O.P.No.21655 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Section 406, 420, 417, 468 and 120B of IPC r/w section 66-D of IT Act, in Crime No.10 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the first accused is running Youtube Channel, the petitioner is the wife of the 1st accused. On 26.05.2020, the defacto complainant watched a video on the 1st accused's Youtube Channel and contacted the 1st accused to inquire about the trading of shares in the National Stock Exchange through the automated trading software. The defacto complainant knowing that share trading is very attractive and profitable investment project and if he invests more than 5 lakhs in it, 80 % will be given to the investor and 20% to the 1st accused. Believing that the defacto complainant made payment through the bank Rs.1,89,78,892/- from 31.05.2020 to 31.07.2020. After seeing the investment made by the defacto complainant, 25 people who are friends and relatives of the defacto complainant have also invested money, the 1st accused committed fraud of trust by not paying the amount of profit to the



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defacto complainant and his friends along with the principal amount of Rs.4,07,48,979/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the 1st accused committed fraud of trust by not paying the amount of profit to the defacto complainant and to his friends and he further submitted that there is no previous case is pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and



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considering that the co-accused was already arrested and released on bail and that there is no previous case pending against the petitioner and that the alleged occurrence took place on 31.05.2020 and there is delay in registering the FIR, 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 his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate VI, Salem** 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 shall report **before the respondent police daily 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 him from disclosing such facts of the Court or to any police officer.



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[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] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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