



**Crl. O.P. No.26353 of 2024**

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**P. DHANABAL.J.,**

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) r/w 34 of IPC in connection with the Cr. No.92 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A1 Loganath and the defacto complainant are friends. While so, in the year 2022, the accused A1, with dishonest intention to cheat the defacto complainant, had induced him to invest money under the guise of getting huge profits and believing the words of the accused, the defacto complainant had invested Rs.49 lakhs with A1 on several instalments by arranging the funds from his parents and friends. Whereas the accused did not pay the profit as promised and also failed to return the entire amount of Rs.49 lakhs invested by the defacto complainant. Further, the petitioner and other accused have threatened the defacto complainant with dire consequences. Hence the case was registered as against the accused A1 to A4 for the offences of criminal breach of trust, cheating and criminal intimidation.

3. The learned counsel for the petitioner would contend that the



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petitioner herein is A2, that she has not committed any offence as alleged in the FIR and there is no any specific overt act attributed as against the petitioner, that she is living with her parents at Madurai and due to the misunderstanding with her husband, who is A1 in this case, he left Madurai and he is staying alone with his friends since May 2021 and she is completely unaware of the financial transactions of her husband/A1 and there is family dispute between them, that the petitioner is an engineering graduate and she is working as Team Manager and she has also filed a divorce petition and she has also filed a 'man-missing complaint' on 07.09.2023 before Thiruparangundram Police Station, Madurai and she was forcibly taken to Kotturpuram Police Station for enquiry, that she is an innocent and she has no any bad antecedents and she would abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the accused A1 along with other accused have cheated the defacto complainant by collecting Rs.49 lakhs under the false promise to return with high profits and failed to honour the promise. The petitioner is arrayed as A2 in this case. Huge amount is involved in this case. A1, who



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is the husband of this petitioner, is absconding. Hence he objected to grant anticipatory bail to the petitioner. However, he admitted that there is no previous case pending against this petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence involved in this case, that there is no any specific overt act as against this petitioner that she only threatened the defacto complainant, that all the main allegations are against the prime accused/A1, who is none other than the husband of this petitioner/A2 and A1 is absconding, considering the fact that this petitioner had already appeared before the respondent police for enquiry and her statement was also recorded by the respondent police and also considering the fact that there is no any 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

**IX**

**Metropolitan Magistrate Court, Saidapet, Chennai** on condition that



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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 on every Saturday 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



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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 absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

25.10.2024

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To

- 1.The IX Metropolitan Magistrate Court, Saidapet, Chennai
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, J4 Kotturpuram Police Station, Chennai.

**P.DHANABAL,J**  
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