



Crl. O.P. No.26640 of 2024

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P. DHANABAL.J.,

The petitioner / 2nd Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 318(4), 296(b), 115(2) and 351(3) of the B.N.S. in connection with the Cr. No.395 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 Vikramathithan were friends and during the year 2016, A1 requested loan from the defacto complainant for the loss occurred in his petrol bunk business and as the defacto complainant knew that A1 was running petrol bunk and also a two wheeler show room at Krishnagiri and also as A1 assured to return the loan amount within three months, the defacto complainant gave him a loan of Rs.8 lakhs on 23.11.2016, for which A1 gave an undertaking letter in the letter pad of Vikram Fuels Dealer under the name of his wife / A2 and also gave 4 cheques Karur Vysya Bank, each carrying amount of Rs.2 lakhs and also a cheque of Axis Bank to an amount of Rs.2,97,000/-. Further, the accused A1 received amount of Rs.2 lakhs and Rs.4 lakhs for his urgent needs and totally, A1 received Rs.14 lakhs as loan from the defacto complainant and failed to return the same.



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Thereby, he cheated the defacto complainant. Thereafter, on 12.08.2024 at about 10 a.m., when the defacto complainant asked to return back the amount, there was a wordy quarrel between the parties, which lead to the occurrence, as the accused A1 abused him in filthy language, assaulted and also threatened with dire consequences by showing a stone. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner herein is A2, that she has not committed any offence as alleged in the FIR, that she is an innocent, that the defacto complainant has lodged a false, baseless complaint with personal grievance and greed, that the petitioner and her husband were granted anticipatory bail in an another case in Cr. No.8 of 2024 and this case was registered suspiciously on one day before the said grant of anticipatory bail, that she is no way connected with the alleged offences. 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 obtaining loan of Rs.14 lakhs by assuring to repay the same within 3 months, but failed to do so. The petitioner is arrayed as A2



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in this case. For the said loan amount, the accused have also given undertaking in the letter head of their Vikram Fuels Dealer under the name of this petitioner/A2, who is wife of A1 and also gave post dated cheques, but when the defacto complainant asked to return back the money, they abused and assaulted him and also threatened with dire consequences. 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, considering the fact that already there is money dispute between the parties 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

District Munsif-cum-Judicial Magistrate, Karimangalam on condition



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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 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

mjs

To

- 1.The District Munsif-cum-Judicial Magistrate, Karimangalam
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Karimangalam Police Station, Dharmapuri.

P.DHANABAL,J
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