Crl.O.P.No.28055 of 2024

A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.1 of 2024 registered for the offences punishable under Sections 406, 420 & 506(1) of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per defacto complainant, Mr.V.E.Vairavan is that, the accused was introduced to the defacto complainant through one Johnbritto and that the accused informed that she was engaged in the business of construction and had induced the defacto complainant to deposit Rs.25 lakhs into the company on the promise of giving profit. On believing her words, defacto complainant borrowed amounts from various persons. On 21.11.2015, he transferred a sum of Rs.14,55,000/- to the accused account. Thereafter, on 25.11.2015, by cash he gave Rs.5,00,000/-. On further demand, he transferred Rs.5,000/-. On 18.12.2015, he transferred a sum of Rs.1,40,000/-, and another sum of Rs.3,50,000/- respectively. Totally, he transferred Rs.24,55,000/-. Whereas, the accused neither returned the amount, nor handed over the flat. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He

would submit that, a case of civil dispute has been attempted to be projected as a case of criminal nature and the defacto complainant has attempted to recover the amount, by way of criminal complaint and under threat of arrest. He would submit that, to revive her company, the defacto complainant had invested in the company and the petitioner had repaid part principal with part interest and later, since the company ran into rough weather, she was unable to pay the interest as demanded by the defacto complainant and a false complaint has been given. He would further submits that, there is no material to show that the petitioner induced the defacto complainant on the false promise. He would submit that the alleged amounts are said to have been paid during the year 2015. He would further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, would submit that the petitioner had induced the defacto complainant, on the promise of giving profits in the construction business had received the amounts to the tune of Rs.24,55,000/- and based on the assurance, the defacto complainant had borrowed money from several other persons and later, the petitioner has cheated him. He would further submit that

the petitioner has one previous case of similar nature.

5. Learned counsel appearing for the intervenor vehemently opposed for the grant of anticipatory bail to the petitioner stating that the accused had cheated him to the tune of more than Rs.25 lakhs.

6. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, the learned counsel for the intervenor and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain 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 **learned XVII Metropolitan Magistrate, Saidapet,** on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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, failing which, the petition for anticipatory bail

shall stand dismissed 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 Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

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

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

27.11.2024
(½)

dsn

A.D.JAGADISH CHANDIRA, J.

dsn

Crl.O.P.No.28055 of 2024

27.11.2024

(1/2)