



Crl.O.P.No.28361 of 2024

Crl.O.P.No.28361 of 2024

WEB COPY

A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.164 of 2024 registered for the offences punishable under Sections 408, 34 of IPC, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that, petitioner had married the son of the defacto complainant, against his wish, later it was compromised and she was appointed as correspondent in the School, subsequently, there was a misunderstanding with her husband, due to which she left the matrimonial home and thereafter the defacto complainant lodged the false complaint as if she has misappropriated the School fund of Rs.3,53,280/-. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



CrI.O.P.No.28361 of 2024

WEB COPY

3.The case of the prosecution as putforth by the learned Public Prosecutor (Puducherry) appearing for the respondent Police, opposing for grant of anticipatory bail, defacto complainant is the chairman of St.Joseph Education Foundation and the petitioner who is his daughter-in-law was the Correspondent in the School and during such time, she has received commissions from various factories, who supplied uniform clothes, books etc., and thereby misappropriated an amount of Rs.3,53,280/- and caused wrongful loss to the Trust.

4. The learned counsel appearing for the defacto complainant opposed for grant of anticipatory bail to the petitioner submitting that, accused who is the correspondent of the School had misappropriated an amount of Rs.3,53,280/- by receiving commission from the suppliers of uniform clothes & books and caused wrongful loss to the Trust.



WEB COPY

5. Having heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Puducherry 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police everyday at 10.30.a.m., for a period of one week and thereafter on every Saturday at 06.30 p.m until further orders.



WEB COPY



CrI.O.P.No.28361 of 2024

[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 BNS.

26.11.2024

sma



WEB COPY



Crl.O.P.No.28361 of 2024

A.D.JAGADISH CHANDIRA, J.

sma

Crl.O.P.No.28361 of 2024

26.11.2024
(1/2)