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CRL OP NO. 4941 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.02.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4941 of 2025

Kavitha

Petitioner/A1

Vs

State Rep By, The Inspector Of Police,
pallapatty Police Station,
Pallapatty,
Salem District.
(crime No.1386 of 2024)

Respondent(s)

For petitioner(s): Mr.P.Praveen

For Respondent(s): Mr.SSanthosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.1386 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused/petitioner was working in a company by name 'A1 builders', which was run by the second accused; that the petitioner was an employee of the said company; that the



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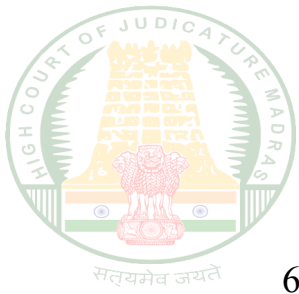
petitioner had introduced the de facto complainant to the second accused, who in turn received a sum of Rs.12,40,000/- from the de facto complainant on the promise of selling a plot and that thereafter, the second accused neither repaid the said amount nor executed the sale deed. Hence, the complaint.

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3. The learned counsel for the petitioner submitted that the petitioner is innocent; that she has been falsely implicated in this case; that the petitioner was only an employee of the second accused company viz., 'A1 Builders'; that the second accused was arrested and is in judicial custody and in any case custodial interrogation of the petitioner is not required for the purpose of investigation, since the allegation is borne out by records and hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and confirmed the above said facts.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.



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6. Considering the submission made on either side; nature of allegation; that the petitioner was employed under the second accused company; that the said amount was received by the second accused and that the allegations are borne out by records and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Salem District** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police as and when required;

[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.



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[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.

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To

1.The Inspector Of Police,
pallapatty Police Station,
Pallapatty,
Salem District.

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