



CRL OP NO.4942 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **25.02.2025**
CORAM

WEB COPY **THE HONOURABLE MR JUSTICE SUNDER MOHAN**

CRL OP NO.4942 of 2025

Kavitha

Petitioner/A1

Vs

State Rep By, The Inspector Of Police,
pallapatty Police Station,
Pallapatty,
Salem District.
(crime No.1387 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.1387 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 that company; that she had received a sum of Rs.1,00,000/- from the de facto complainant on the promise to execute a sale agreement in favour of the de facto complainant



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in respect of a plot belonging to the second accused who was running a concern by name 'A1 Builders' and that the petitioner neither repaid the said amount nor executed the sale agreement. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that she has been falsely implicated in this case; that she was only an employee of the second accused company, who was running a concern by the name 'A1 Builders'; that the petitioner had handed over the cash to the second accused and that 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 per contra submitted that that the petitioner had received Rs.90,000/- out of the Rs.1,00,000/- paid by the de facto complainant and that the second respondent, the proprietor of the said concern was arrested.

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; that it is a money dispute; 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 everyday 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



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petitioner in accordance with law as if the conditions have been imposed
and the petitioner released on bail by the learned Magistrate/Trial Court

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SUNDER MOHAN, J.

vca

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.

25.02.2025

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

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