



Crl.O.P.No.10741 of 2022

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and Crl.M.P.No.13472 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC in Crime No.4085 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as Assistant Engineer in the Tamil Nadu Electricity Board and he received a sum of Rs.18,00,000/- from the defacto complainant, on the false promise that he would arrange job to her son in the Electricity Board. Thereafter, the petitioner failed to get any job and also refused to return the money which was received from the defacto complainant. Hence, the complaint.

3. On the earlier occasion, the learned counsel appearing for the petitioner submitted that the petitioner was ready and willing to deposit the amount which was received from the defacto complainant. Considering the said submission, this Court by an order dated 20.05.2022, granted anticipatory bail to the petitioner on condition that he shall



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deposit a sum of Rs.10,00,000/- to the credit of Crime No.4085 of 2020 on the file of the respondent police. Since the said condition was not complied with, this Court cancelled the anticipatory bail granted to the petitioner in Crl.M.P.No.13472 of 2022 by an order dated 12.10.2022.

4. Aggrieved over the orders passed by this Court, the petitioner approached the Hon'ble Supreme Court of India in Special Leave Petition (Criminal) Diary No.38134 of 2022 and the Hon'ble Supreme Court of India by an order dated 09.02.2023, set aside the order passed by this Court and restored the anticipatory bail application for fresh consideration on its own merits in accordance with law without reference to the deposit. Hence, the matter is listed before this Court for fresh consideration.

5. When the matter was listed before this Court on 13.03.2024, the learned counsel appearing for the petitioner submitted that so far the petitioner returned a sum of Rs.5,50,000/- to the defacto complainant and he undertakes to return further sum of Rs.2,50,000/- within a week. Considering the said submission this Court directed to post the matter



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today ie., on 20.03.2024.

6. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner could not mobilize the amount and seeks further period of two weeks time to return the amount to the defacto complainant.

7. The submission of the learned counsel appearing for the petitioner is only to drag on the proceeding and to avoid the custodial interrogation. Further the crime is of the year 2020 and the petitioner is working as Assistant Engineering in the Electricity Board. Utilizing the said situation, he made false promise to the defacto complainant as if he has influence with the higher official and he can get job to the defacto complainant's son and also received a sum of Rs.18,00,000/-. However, he neither arranged any job nor returned the money. Even then, the petitioner is still working as Assistant Engineer and no departmental action has been taken, since the petitioner so far not yet secured. Originally the petitioner was granted anticipatory bail by this Court and thereafter by the order dated 09.02.2023, passed by the Hon'ble Supreme



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Court of India, he was protected from arrest for three weeks.

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8. Considering the above facts and circumstances and also the gravity of offence committed by the petitioner, this Court feels that the custodial interrogation of the petitioner is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. The respondent Police is at liberty to secure the petitioner and proceed in accordance with law.

9. Accordingly, the Criminal Original Petition stands dismissed.

20.03.2024

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20.03.2024