



Crl.O.P.No. 14775 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of IPC in Crime No. 6 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner herein, upon false promise to secure a Assistant Public Relationship Officer job for the defacto complainant's son, received a sum of Rs.22,00,000/-. The petitioner failed to arrange the job and also had not returned the amount to the defacto complainant. Earlier, the defacto complainant had lodged a complaint on 06.09.2021; enquiry was conducted by the respondent police, wherein the 1st petitioner herein appeared and sought time for repayment and subsequently issued a cheque for a sum of Rs.20,00,000/-, which was returned as unpaid when presented for realisation. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to return the amount.

Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that there is only one accused involved in this case. Accused 2 and 3 are not arrayed as accused in the crime number. Therefore, this petition is dismissed as against the petitioners 2 and 3. As far as the 1st petitioner is concerned, the 1st petitioner herein promised that he will secure the post of Assistant Public Relationship Officer to the defacto complainant's son and received a sum of Rs.20,00,000/- through bank. Thereafter, he failed to obtain any job and failed to return the amount. Hence, he vehemently opposed to grant of anticipatory bail to the 1st petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, the accused 2 and 3 are not arrayed as accused in the crime number, this petition is dismissed as against A2 & A3 and this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

6. Accordingly, the 1st petitioner is directed to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the defacto complainant by way of Demand Draft within a period of two weeks and on such



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payment and production of acknowledgment, the 1st 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Vellore, on condition that the 1st petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall pay a sum of Rs.20,00,000/- (Rupees Twenty Lakh only) to the defacto complainant by way of Demand Draft.

[c] the 1st petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner shall not abscond either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.07.2022

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