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Crl.O.P.No.15572 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 506(i), 420, 120B of IPC, in Crime No.1 of 2021 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with A2 have induced the de-facto complainant and collected more than Rs.30,00,000/- for the purpose of getting Government job. Thereafter, the petitioner neither secured job nor returned the money, when the same was questioned by the de-facto complainant, the petitioner along with A2 admitted to return the money. Thereafter only Rs.2,00,000/- was repaid and the remaining amount was not repaid and further the petitioner threatened the de-facto complainant with dire consequences, which led to the filing of the complaint. Hence, this complaint.



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3. The learned counsel appearing for the petitioner submitted that this Court by an order dated 21.01.2022, granted anticipatory bail to the petitioner on condition, to deposit Rs.12,00,000/- to the credit of Crime No.1 of 2021 within a period of 15 days. Due to immobilization of money, the petitioner could not comply with the said condition. Now, the petitioner is ready and willing to comply with the condition imposed on him and further the petitioner is ready to deposit a cost of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority** and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had cheated the de-facto complainant to the tune of Rs.30,00,000/- and issued forged appointment orders. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. It is pertinent to note that this Court, already by an order dated 21.01.2022, granted anticipatory bail to the petitioner in



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Crl.O.P.No.1289 of 2022, with condition that the petitioner shall deposit a sum of Rs.12,00,000/- to the credit of Crime No.1 of 2021 within a period of 15 days. However, the petitioner could not comply with the said condition and he filed extension petition before this Court on three occasions in fact, on three occasions, this Court extended the time to comply the said condition. Even then the petitioner could not comply with the said condition due to the immobilization of money and filed this petition for anticipatory bail. The learned counsel for the petitioner submitted that now the petitioner is ready and willing to comply with the condition.

6. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to the credit of the Tamil Nadu Legal Services Authority, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned Judicial Magistrate VI, Salem, on condition that the petitioner shall execute 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 petitioner shall deposit a sum of **Rs.12,00,000/- (Rupees Twelve Lakhs only)** to the credit of **Crime No.1 of 2021** within a period of fifteen (15) days before the **Judicial Magistrate VI, Salem**. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the de-facto complainant stating that in event of the petitioner succeeding the case, the amount of Rs.12,00,000/- deposited by the petitioner to the credit of Crime No.1 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the de-facto complainant, shall disburse the said amount to the de-facto



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complainant within a period of two weeks thereafter failing which, the anticipatory bail petition shall stand dismissed.

[b] the petitioner shall deposit a cost of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority**.

[c] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

[d] the petitioner shall report before the respondent police daily at morning 10.30 A.M., for a period of two weeks and thereafter as and when required for interrogation.

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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



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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]***.

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

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