



CRL.O.P.No.16649 of 2022

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 506 r/w 34 of IPC in Crime No.108 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused received a sum Rs.2,40,000/- from the defacto complainant by assuring that he would collect the moneys lent by her deceased husband from the borrowers and hand it over to her and thereafter cheated her. It is further alleged that the petitioner and other accused threatened the defacto complainant with dire consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has not received any amount from the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Public Prosecutor (Pondy) appearing for the respondent submitted that the petitioner there are two accused in which the petitioner is arrayed as A2. He further submitted that the petitioner and other accused



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cheated the defacto complainant to the tune of Rs.2,40,000/- and also threatened her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the prosecution case, the petitioner is arrayed as A2 and he threatened the defacto complainant with dire consequences. The first accused collected a sum of Rs.2,40,000/- from the defacto complainant by assuring that he will collect all the money from others and the petitioner did not collect any money from the defacto complainant. That apart, the first accused has already been arrested and released on bail. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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 made ready, before the learned Judicial Magistrate-II, Karaikal, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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,



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the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 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 petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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 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 229A IPC.

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