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Crl.O.P.No.16560 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, 465, 468, 420 and 506(i) IPC in Crime No.11 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner received a sum of Rs.6 lakhs from the defacto complainant in the year between 2018-2019 to secure Government job. Thereafter, the petitioner issued fake appointment order to the defacto complainant and the said order has been taken back by the petitioner. Subsequently, despite the demand made by the defacto complainant, the petitioner neither returned the amount nor secured job. Hence the complaint.

3. The learned counsel for the petitioner submitted that originally the first FIR was registered in Crime No.33 of 2019 before the Anna Nagar Police station, Chennai, thereafter, it was transferred to Vellore



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District Crime Branch, the defacto complainant has also given complaint in that FIR and cited as witness and thereafter for the very same complainant has given another complaint and based on that complaint the present FIR has been registered in Crime No.11 of 2020. He further submitted that the petitioner is willing to abide any conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that petitioner received the said amount from the defacto complainant in order to secure Government job and cheated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen from the records revealed that for the very same set of allegations FIR has been registered as against the petitioner in Crime No.33 of 2019 for offence under Sections 465, 468, 471, 420 506)i) and 109 IPC. Again for the very same complaint the respondent police registered FIR in Crime No.11 of 2020 for these offences. The learned



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counsel for the petitioner submitted that already the petitioner was granted anticipatory bail on condition that the he shall deposit a sum of Rs.3 lakhs accordingly, the petitioner complied with the said condition. Now the respondent police filed final report for both the FIRs since for the very same occurrence, two FIRs cannot be registered. Therefore, 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-III, Vellore, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 at 10.30 a.m. for a period of two 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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