



Crl.O.P.No.18930 of 2022

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N. SATHISH KUMAR,J

This Criminal Original Petition has been filed to grant anticipatory bail to the petitioner in the event of his arrest or on his appearance in Crime No.1147 of 2021 pending investigation on the file of the respondent Police, for the alleged offence under Sections 294 (b), 420, 465, 468, 471, 472 and 506 (ii) of the Indian Penal Code.

2. The case of the prosecution is that the complainant is a resident of Valapuram, Kumbakonam Taluk. He is the Union Secretary of a political party called Tamilaga Makkal Munnetra Kalagam. In the year 2016, the defacto complainant had approached the petitioner and other accused to get an appointment for the post of Lecturer and Office Assistant in Desikar Polytechnic, Vazhivalam to one Anburaj and Manikandan. Hence he paid Rs.28,50,000/- in the presence of One Muruganantham and Baskar. Later, they have issued appointment order and on verification, it was found that fake appointment order has been issued. When the same was questioned, the accused persons scolded and threatened him with dire consequences.



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3. Heard Mr.N.Manokaran, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for the respondent.

4. The learned counsel appearing for the petitioner submitted that he and his wife (A.2) are not in talking terms with A.3 and A.4, who are the brother of the second accused and wife of the third accused, respectively. He further submitted that the complainant would not have seen all the four accused together, in view of the property dispute pending between A.2 and A.3.

5. The learned Additional Public Prosecutor submitted that the First Information Report was registered in the year 2021.

6. The incident had taken place in the year 2016. But the defacto complainant had given the complaint only after five years. The respondent Police has not yet completed the investigation so far. In view of the above, this Court is of the view that it is a fit case to grant anticipatory bail.



7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Nannilam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 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 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.



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[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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