



Crl.O.P.No.19181 of 2022

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 406 of IPC, in Crime No.83 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused received a sum of Rs.9,50,000/- from the defacto complainant under the guise of getting Government job. Thereafter, the petitioner and other accused neither got any job nor returned the money to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner herein received only Rs.2,00,000/- from the defacto complainant. He further submitted that the petitioner is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.83 of 2022, without prejudice to his right of defence. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that there are totally 2 accused in which the petitioner is arrayed as A2. The petitioner and other accused cheated the defacto complainant to the tune of Rs.9,50,000/- under the guise of getting a Government job. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that the first accused was arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only), without prejudice to his right of defence, to the credit of Crime No.83 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit 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 is made ready, before the II Metropolitan Magistrate, Egmore, 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:

[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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.83 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] 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.

[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.



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[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 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.

22.08.2022

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