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Crl.M.P.No.13872 of 2022 in Crl.O.P.No.14993 of 2022

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the anticipatory bail granted to the second respondent herein in Crl.O.P.No.14993 of 2022 dated 30.06.2022 on the ground that the second respondent failed to comply the conditions imposed by this Court and also failed to execute the sureties, even till today.

2. The second respondent herein is arrayed as A2 in Crime No.57 of 2022, registered for the offences punishable under Sections 420 and 406 of IPC on the allegation that she along with another accused had collected a sum of Rs.50,000/- from each victims to get house allotment in alternative place instead of K.P.Karkil Nagar. Thereafter, the accused persons neither get the allotment in and around the city of Chennai nor repaid the said amount. However, the learned counsel for the second respondent herein submitted that she was ready and willing to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No. 57 of 2022.

3. Considering the facts and circumstances, this Court granted anticipatory bail to the petitioner on the following conditions,



“6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No. 57 of 2022, within a period of four weeks from the date on which the order copy is made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned XVI Metropolitan Magistrate, George Town, Chennai, 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.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No. 57 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy is made ready.

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

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

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

*[f] 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]**.*

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC”.



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4. However, the second respondent herein failed to deposit any amount and also failed to surrender before the Court below, within a period of four weeks from the date of receipt of a copy of the order. As per the conditions, if the second respondent fails to comply with the directions issued by this Court, the anticipatory bail shall stand dismissed. Admittedly, the second respondent failed to deposit any amount and also failed to execute any sureties so far.

5. Hence, this Court is inclined to cancel the anticipatory bail granted to the second respondent herein, in Crl.O.P.No.14993 of 2022 dated 30.06.2022. The first respondent is at liberty to secure the second respondent and proceed in accordance with law. Accordingly, this Criminal Miscellaneous Petition is allowed.

26.10.2022

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G.K.ILANTHIRAIYAN, J.



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