



Crl.O.P.No.19026 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 Section 420 IPC in Crime No.7 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused received a sum of Rs.19 lakhs from the defacto complainant, in order to secure Government Job and neither secure the job nor return the money. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused received huge amount in order to secure Government job and cheated the defacto complainant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. It is seen that there are three accused in this case, in which, the petitioner is arrayed as A2. Even according to the case of the prosecution, the A1 received a sum of Rs.3 lakhs and A3 received a sum of Rs.19 lakhs and remaining amount of Rs.18,00,000/- paid by cash. In so far, the petitioner is concerned, he has not received any amount and no amount was transferred into his account. Further, the petitioner, being the brother of the first accused, falsely implicated in this case.

6. Considering the above facts and circumstances of the case, and custodial interrogation of the petitioner does not required in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.II, Dharmapuri, on condition that the petitioner shall



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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 report before the respondent police daily Morning 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.



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[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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