



Crl.O.P.No.21260 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC in Crime No.661 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Manikandan is that the accused persons under the guise of offering loans had collected Rs.1,28,780/- and had cheated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an employee of Mahendra Finance and his name has been falsely implicated in this case. He would further submit that as per the complaint, one Sundharapandiyan/A1 is the person who is stated to have instructed the other accused. The petitioner is arrayed as A6. A2 to A5 were arrested and enlarged on bail by the learned Principal District and Sessions Judge, Nagapattinam. He would further submit that there is no



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previous case pending as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioner along with other accused under the guise of getting loan had received Rs.1,28,780/- from the *de-facto* complainant and cheated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the fact that the petitioner is not the main accused and co-accused A2 to A5 were arrested and enlarged on bail and there is previous case pending as against the petitioner, 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**



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Judicial Magistrate I Mayiladuthurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 everyday at 10.30 a.m., until further orders.

[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.

14.10.2022

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