



Crl.O.P.No.21651 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 420, 468 and 471 of IPC in Crime No.169 2022, seeks anticipatory bail.

2. The case of the prosecution is that the the de-facto complainant is the proprietor of Bakyalakshmi Agro Products doing business in agriculture products. On 20.07.2022 around 6 clock, the defacto complainant had received a call from unknown number and the caller by impersonating and claiming himself as Enforcement Officer working in Tamil Nadu Commercial Tax Department by threatening that the defacto complainant's Company had committed by evasion of GST Tax had demanded a sum of Rs.25 lakhs as a bribe to solve the issue. The defacto complainant smelling rat had given a complaint against the person and he was apprehended. Based on the confession of the arrested accused, the petitioner was implicated in this case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from the victim. He would further submit that the arrested accused in order to escape from the clutches of law had dropped the name of the petitioner as the person who had instigated him to blackmail the defacto complainant. During the course of the investigation, the hardware of the computer used by the petitioner has been recovered. The petitioner is presently working as a Deputy Commercial Tax Officer, Pattaravakkam Assessment Circle and he has been continuously attending office and has not absconded. He would further submit that the petitioner is ready to appear before the respondent Police for enquiry and also co-operate with the investigation. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner along with other accused had threatened the defacto complainant that action will be taken against the defacto complainant for tax evasion and demanded a sum of



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Rs.25 lakhs as a bribe for desisting from taking action. The defacto complainant had suspicion against him, gave a complaint to the respondent Police and he was arrested and based on the confession of the arrested accused, the petitioner has been implicated in this case. The arrested accused has come to the place of occurrence in a Bolero jeep bearing Registration No. TN 01 G 7599 to make the defacto complainant believe that he is also from the Commercial Tax Department. Hence, he would object for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the concerned vehicle is not allotted to the petitioner and the petitioner has no connection whatsoever with the arrested accused. He would further reiterate that in order to escape from the clutches of law, the petitioner's name has been misused by the arrested accused.

6.Heard both the learned counsels and perused the materials available on record.



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7.Taking into consideration the facts and the submissions of the learned counsels and also of the fact that the petitioner is a Government Servant and he has been implicated based on the confession of the arrested accused and that the hardware of the computer used by the petitioner has been recovered and he is attending work without absconding, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8.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 XVII Metropolitan Magistrate, Saidapet 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:



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[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 two weeks and thereafter every Saturday 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;

[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]**;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

15.09.2022

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