



Crl.O.P.No.21632 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 120(B), 420 and 506(i) of IPC, in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Mr.K.Sivakumar is that the accused persons who are father and son had induced him and on the false promise to get him a post as member in the TNPSC had taken amount of Rs.2,80,00,000/- and cheated the *de-facto* complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the son of the A1 and a case of money transaction between the A1 and the *de-facto* complainant has been projected as a case of fraudulent transaction. He would further submit that during the relevant



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period the petitioner was studying B.E. Civil Engineering in Sathyabama University and the petitioner has been specifically roped in this case only to recover money from A1 under the threat of arrest. He would further submit that petitioner has nothing to do with the alleged transaction and as per the complaint, the *de-facto* complainant himself has entered into an illegal act. He would further submit that the petitioner in order to show his bonafide is prepared to deposit original title deeds not less than value of Rs.1 Crore along with the valuation certificate obtained from the authority concerned to the credit of Crime No.5 of 2021 and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the son of A1. A1 using his influence in the erstwhile Government had promised the *de-facto* complainant that he would be given up a post as a member in the TNPSC and had received a sum of Rs.2,80,00,000/-. The petitioner being the son of A1 had also taken money from the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Mr.Prabakaran, the learned counsel appearing for the intervenor would submit that the petitioner is none other than the son of the A1. He would further submit that the petitioner also played a major role in the transaction and he has received amounts from the *de-facto* complainant for securing post as a member in TNPSC.

6. Heard the learned counsel. Perused the materials available on record. Taking into consideration the facts and circumstances of the case and also the undertaking given by the petitioner to deposit original title deeds not less than value of Rs.1 Crore to the credit of Crime No.5 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit original title deeds (stand in the name of the petitioner or in name of his friends or relatives) not less than value of Rs.1 Crore along with the valuation certificate obtained from the authority concerned to the credit of Crime No.5 of



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2021 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 made ready, before the **Judicial Magistrate Court I, Namakkal**, 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.



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[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]**.

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

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