



Crl.O.P.No.21872 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, 465, 468, 471, 294(b) & 506(ii) of IPC in Crime No.1179 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the accused in the guise of getting allotment in the Slum Clearance Board had received a sum of Rs.1,89,000/- from the defacto complainant and had given fabricated allotment orders to the defacto complainant and cheated her. Hence, the case.

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. He would further submit that after the petitioner's wife deserted from him, the petitioner was having living relationship with one Bhuvaneswari. Later, the petitioner came to know that the said Bhuvaneswari had cheated several other persons including the defacto complainant. He would submit that the petitioner was earlier called for



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enquiry by the respondent and under threat, he had given undertaking that he will recover money from the Bhuvaneswari and hand it over to the defacto complainant. Now the said Bhuvaneswari is absconding and without prejudice the petitioner is prepared to deposit a sum of Rs.30,000/- to the credit of Crime Number. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with other accused had cheated the defacto complainant to the tune of Rs.1,89,000/- in the guise of getting allotment in Slum Clearance Board and they have also issued fabricated allotment orders. He would submit that investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Learned counsel for the intervenor would submit that the petitioner had cheated the defacto complainant to the tune of Rs.1,89,000/- in the guise of getting allotment in Slum Clearance Board and they have also issued fabricated allotment order to the defacto complainant. Hence, he opposed to grant of anticipatory bail to the



petitioner.

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6. Heard the learned counsels and perused the materials available on record including the First Information Report.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also the undertaking given by that petitioner that he is ready to deposit an amount of Rs.30,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner shall deposit a sum of **Rs.30,000/- (Thirty Thousand Only) to the credit of Crime No.1179 of 2021**, 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 **learned Judicial Magistrate II, Poonamalle**, 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



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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 at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am 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



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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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