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Crl.O.P.No.23093 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 506(i) altered into 120(B), 420, 506(i), 170 and 419 IPC in C.C.No. 563 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with three other persons received a sum of Rs.18,00,000/- from the de-facto complainant and promised to procure job for de-facto complainant's son in Food Corporation of India and they have cheated him. Hence, the case was registered against the petitioner and other three accused.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner is arrayed as A3 in C.C.No.563 of 2020 pending on the file of Judicial Magistrate Court No.VI, Salem. He would further submit that the respondent has completed the investigation



Crl.O.P.No.23093 of 2022

and absconding charge sheet has also been filed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other three persons received a sum of Rs.18,00,000/- from the de-facto complainant to procure job for de-facto complainant's son in Food Corporation of India and they have cheated him. The petitioner is arrayed as A3. At this juncture, he would further submit that the petitioner is the wife of A1. Serious allegation has been levelled against A1 and he was arrested and thereafter, released on bail. The petitioner as well as her husband participated during investigation and a final report has also been filed and the same is taken on file in C.C.No.563 of 2020.

5. Taking note of the facts and circumstances and also taking note of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, petitioner is ordered to be released on bail in the



Crl.O.P.No.23093 of 2022

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 Court No.VI, Salem**, 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 every day at 10.30 a.m. and 5.30 p.m. for a period of two weeks and thereafter, the date may be fixed by the Trial Court.

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Crl.O.P.No.23093 of 2022

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[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]***; and;

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

27.09.2022

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Crl.O.P.No.23093 of 2022