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CrI.O.P.No.24303 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.406, 417, 420, 506(i) and 120(b) of I.P.C. in Crime No.13 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that it is a case of job racketing. The petitioner and the defacto complainant are well known to each other and having good relationship for more than 30 years. In view of the same, the petitioner along with his wife informed him that the petitioner is an influential person and assured with the defacto complainant that they will get a job for him in Port Trust or in BHEL Company. Believing the same, the defacto complainant said to have paid a sum of Rs.8,00,000/- to them. Thereafter, after lapse of two months, they failed to get a job and when he asked to repay the amount, the petitioner along with others joined together and made criminal intimidation and also cheated her. Hence, the complaint.



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3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case. He would submit that admittedly, A1 borrowed a sum of Rs.2 lakhs from the defacto complainant, who is an usurious money lender, and despite A1 having repaid the amount, he has lodged the complaint before the respondent police. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that he has induced the defacto complainant and cheated a sum of Rs.8 lakhs. He would submit that the petitioner, who is a main accused as well as A10 are still absconding. He would submit that the defacto complainant's hard earned money was swindled by the petitioner based on a false promise to get a job at Port Trust or BHEL company. He would submit that the co-accused was released on bail and there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.8,00,000/- (Rupees eight lakhs only) to the credit of Crime No. 13 of 2022 on the file of the learned Judicial Magistrate-I, Thiruvallur.** On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 sureties shall affix their photographs



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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 10.00 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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