



Crl.O.P.No.24652 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC read with Section 5 of TN Protection of Interest of Depositors (in Financial Establishment) Act, 1997, in Crime No.2 of 2022, seeks anticipatory bail.

2. There are totally four accused in this case, in which the petitioner is arrayed as A3. The case of the prosecution is that the accused persons were running a real estate business, in which the defacto complainant joined as an agent and paid monthly installments of Rs.650/- for 63 months and also introduced many people into the company of the accused and collected monthly installments from several persons and paid them in total, a sum of Rs.27,97,000/- and got commission, all the payment were receipted by A1. Thereafter, when the defacto complainant approached for registration of the plot, the accused sought time for a period of one month, subsequently they closed the office. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the



prosecution. He further submitted that this is the second anticipatory bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court on 10.08.2022 in Crl.O.P.No.18839 of 2022. He also submitted that the petitioner is ready and willing to abide by any stringent condition that may be imposed on him. He also submitted that the other accused persons were released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is alleged to have collected a sum of Rs.2,24,88,000/- from 1,400 victims. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Though, this Court had dismissed the earlier anticipatory bail petition filed by the petitioner, the respondent failed to secure the petitioner so far.

6. Considering the above facts and circumstances of the case and also considering the fact that the co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner shall deposit the original title deeds not**



less than the value of Rs.1 Crore (stands in the name of the petitioner or his relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No.2 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their right of defence 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 learned Judicial Magistrate, Virudhachalam, Cuddalore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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 deposit the original title deeds not less than the value of Rs.1 Crore (stands in the name of the petitioner or his relatives or



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friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No.2 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their right of defence.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, and 04.30 p.m, for a period of six weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

12.10.2022

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