



Crl.O.P.No.25102 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 420 and 506(ii) of IPC, in Crime No.401 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 4th petitioner promised the defacto complainant that he would arrange him a job and collected Rs.4,00,000/- and he has not secured him any job. Hence, the defacto complainant approached the 4th petitioner's house and enquired about his amount, as a result of which, the petitioners assaulted the defacto complainant with wooden log and caused simple injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail by this Court in Crl.O.P.No.14082 of 2022 vide Order dated 20.06.2022, however they were unable to furnish the sureties on time since they were sick and



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thereby, the earlier order has got lapsed and the present petition has been filed.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the 4th petitioner had received a sum of Rs.4 lakhs from the *de-facto* complainant for arranging job for his son and later cheated him. When the same was questioned by the de-facto complainant, the petitioners have abused him and his wife and assaulted them with wooden log. He would further submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.14082 of 2022 vide Order dated 20.06.2022, however they failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.In reply, the learned counsel for the petitioners would submit that the petitioners are also ready to deposit an amount of Rs.1,000/- each to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioners.



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6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.1,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, each of the petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of **District Legal Services Authority, attached to the concerned Court** and on such receipt, the petitioners are 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, Viruthachalam on condition that each of the petitioners



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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 petitioners 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 each of the petitioners shall pay a sum of Rs.1,000/- (Rupees Thousand only) as cost to the **District Legal Services Authority, attached to the concerned Court** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioner shall report before the respondent police everyday at 10.00 a.m., for a period of 15 days and thereafter, as and when required for interrogation.



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[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.

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