



Crl.O.P.No.25165 of 2022

Crl.O.P.No.25165 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 506(ii) and 120(B) of IPC in Crime No.10 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Murugesan is that the accused induced him and his relatives on the guise of getting a job in Railways and received a sum of Rs.15,00,000/- and cheated him. 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 also submit that the *de-facto* complainant has given a false complaint in respect of financial dispute and projected the same as a case of job racketing. He would further submit that the petitioner was not aware of the case registered against him and the respondent has completed the investigation and filed a final report, in which, the petitioner has been



Crl.O.P.No.25165 of 2022

WEB COPY

shown as an absconding accused and the case has been taken on file in C.C.No.347 of 2017 by the learned Judicial Magistrate No.I at Namakkal. Further, the learned Magistrate has issued a Non Bailable Warrant against the petitioner on 21.09.2022. He would submit that the petitioner was never arrested during the investigation and the learned Magistrate without issuing summons has straight away issued warrant against the petitioner. He would further submit that the petitioner is ready to abide any stringent condition as imposed by this Court and he is ready to co-operate for the speedy disposal of the case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the charge sheet has been filed, in which, petitioner is shown as an absconding accused and therefore, the learned Magistrate has issued a Non Bailable Warrant for arrest against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.25165 of 2022

WEB COPY

5. Heard the learned counsels and perused the materials available on record including the complaint. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 No.I, Namakkal**, 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.

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.25165 of 2022

sp

[b] the petitioner shall report before the learned Judicial Magistrate No.1, Namakkal everyday at 10.30 a.m. for a period of two weeks, thereafter, on the dates fixed by the learned Judicial Magistrate.

[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]**.

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

18.11.2022

sp

Crl.O.P.No.25165 of 2022