



Crl.O.P.No.25877 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420 and 506(ii) IPC in Crime No.530 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner in the guise of securing employment for the defacto complainant had received an amount of Rs.5,00,000/- and cheated him. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given due to a financial dispute. However, the petitioner, without prejudice to his rights and contentions is ready and willing to deposit a sum of Rs.2,50,000/- to the credit of crime No.530 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for



the respondent would submit that the petitioner in the guise of obtaining job, received a sum of Rs.5,00,000 - from the defacto complainant and cheated her. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel and the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) to the credit of Crime No.530 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Dharapuram 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 deposit a sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) to the credit of Crime No.530 of 2022, within a period of two weeks from the date of receipt of a copy of this order.

[c] the learned Magistrate shall re-deposit the said amount in a fixed deposit scheme and the disposal of the amount shall be done at the end of the trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

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

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

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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petitioner in accordance with law as if the conditions have been imposed

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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]**.

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

28.10.2022

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