Crl.O.P.No.26113 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120b, 420, 468 r/w.471 of IPC and Sections 7 and 7A of the Prevention of Corruption Act, 1988 in Crime No.RC 032 2022 A 0005 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police alleging that the accused informed her that he would secure a job in Railway Department. Believing the words of the accused, the defacto complainant remitted an amount of Rs.27,46,000/- in the account numbers provided by the accused. Further, the copies of the appointment orders were sent to the defacto complainant. Later on, she came to know that the appointment orders were fake. When the defacto complainant questioned about the same, she was threatened with dire consequences by the accused.

3. The learned counsel for the petitioner would submit that the allegation against the petitioner is that he has received a sum of Rs.8lakhs from the defacto complainant for obtaining a job in the South Western Railway. He would submit that A2 in this case had earlier approached this Court and obtained

an anticipatory bail in Crl.OP.No.19607 of 2022 and this Court had directed A2 to deposit a sum of Rs.14lakhs to the credit of crime No.RC 032 2022 A 0005 of 2022. He would submit that as far as the petitioner is concerned there was a money transaction between the petitioner and the defacto complainant. The petitioner has also paid a sum of Rs.8lakhs to the account of A2. He would submit that without prejudice to his rights of the petitioner, the petitioner is willing to deposit a sum of Rs.4lakhs by way of cash to the credit of Crime No. RC 032 2022 A 0005 of 2022 and he is ready to deposit original title deed of immovable property worth Rs.4lakhs as additional security. He would seek for anticipatory bail to the petitioner.

4. The learned Special Public Prosecutor for CBI would submit that this is the case of job racketing. So far as the victims deposited 21 Lakhs and odd to the petitioner's account to get a job in Central Government. Thereafter, the petitioner neither secured any job nor returned the amount and cheated the defacto complainant. He also submitted the counter affidavit filed by the respondent before this Court, in which the details of transaction has been given which follows as under:

Date of Transaction	Account Name	Account No.	Bank Details	Amount
23.02.2021	Shri.Dhananjaya	920010038627305	Axis Bank Jayanagar 7th Block	4,00,000

Date of Transaction	Account Name	Account No.	Bank Details	Amount
23.02.2021	Shri.Antony	3868490858	Central Bank of India, Veraiyur	4,00,000
03.03.2021	Shri.Antony	181407070845	Kotak Mahindra Bank, Adyar	1,00,000
03.03.2021	Shri.Dhananjaya	159482815555	Induslnd Bank, Jayanagar 5th Block	4,00,000
07.04.2021	Shri.Dhananjaya	1325155000001049	Karur Vysya Bank, Basavankudi	3,00,000
20.04.2021	Shri.Antony	3868490858	Central Bank of India, Veraiyur	2,00,000
26.04.2021	Shri.Dhananjaya	1325155000001049	Karur Vysya Bank, Basavankudi	88,000
26.04.2021	Shri.Dhananjaya	1325155000001049	Karur Vysya Bank, Basavankudi	58,000
26.04.2021	Shri.Antony	UPI Transfer by Smt.Suvetha		20,000
03.08.2021	Shri.Antony	UPI Transfer by Shri.Sreedharan		30,000
April & June 2021	Shri.Antony	Cash given by Shri.Sreedharan		50,000
			Total	20,46,000

Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the A2 has been granted anticipatory bail by this Court in Crl.OP.No.19607 of 2022 dated 02.09.2022, this Court is inclined to grant conditional anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the Principal Special Court for CBI Cases, Chennai, on condition that the petitioner shall execute a separate 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.4,00,000/- (Rupees Four Lakhs only) to the credit of Cr.No.RC 032 2022 A 0005 of 2022 and also to deposit a original title deed of immovable property worth Rs.4lakhs either belonging to the petitioner, friends or relatives before the concerned Magistrate, within a period of two weeks from the date on which the order copy is made ready.

[c] the petitioner shall report before the respondent police daily at 10.30am for a period of four 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

10.11.2022

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A.D. JAGADISH CHANDIRA. J,

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Crl.O.P.No.26113 of 2022

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