

CRL.O.P.No.29509 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioners, who apprehends arrest for the alleged offences under Sections 406,420 and 506(i) of IPC in Cr.No.1267 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the petitioners herein promised that he will secure admission in M.B.B.S course for his son and received a sum of Rs.5,00,000/- from him. Thereafter neither secured the seat not returned the amount. Hence the complainant.

3.The learned counsel appearing for thepetitioners submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. He further submits he has not received any amount from the defacto complainant and there is a case in counter. However, the learned counsel, on instructions, further submits that thepetitioners, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this



Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners received a sum of Rs.5,00,000/- from the defacto complainant for securing M.B.B.S seat to his son. Thereafter failed to secure the seat and not returned the amount. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the petitioners on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners is directed to deposit a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the credit of Crime No.1267 of 2022 and also **directed to deposit title deeds worth to the tune of Rs.7,00,000/- standing either in his name or in the name of the family members/relatives/friends of the petitioners, along with the valuation certificate obtained from the concerned Revenue**



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Authorities within a period of fifteen (15) days and on such deposit, the petitioners is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate No.II, Alandur** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 anticipatory bail shall stand automatically cancelled and on further condition that:

(a) the petitioners is directed to deposit a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)** and also directed to deposit title deeds worth to the tune of **Rs.7,00,000/-** standing either in his name or in the name of the family members/relatives/friends of the petitioners, along with the valuation certificate obtained from the concerned Revenue Authorities to the credit of Crime No.1267 of 2022 before the concerned Magistrate within a period of fifteen (15) days and the defacto complainant is permitted to withdraw the said deposit amount of Rs.3,00,000/- on proper identification and acknowledgment;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond



and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners is directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Post the matter for reporting compliance on 24.01.2023.

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