



Crl.O.P.No.29737 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.1821 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Branch Manager, Manapuram Gold Loan Company, Tiruvarur. While so, the petitioner and other accused persons are well known to the defacto complainant as a regular customer of the said bank. Thereafter, they have availed a loan for a sum of Rs.1.68 lakhs by pledging 48 grams of spurious jewels from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was granted anticipatory bail by this Court in on 28.10.2020. However, due to miscommunication and without proper instructions from the earlier counsel, the petitioner did not receive the order in time and thereby, he was unable to surrender and the earlier order has got lapsed, hence, the present anticipatory bail has been filed.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner was granted anticipatory bail by this Court on 28.10.2020, however the petitioner failed to surrender and execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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 Court at Tiruvarur**, on condition that the petitioner 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 petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months;

[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]**;



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

19.12.2022

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