



Crl.O.P.No.29881 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 Sections 406, 420 of IPC r/w 34 of IPC, in Crime No.64 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused induced the de-facto complainant with fancy schemes and made him to invest with the assurance that he will get good returns. Believing them, the de-facto complainant has invested the amount to the tune of Rs.5,00,000/-, whereas, the accused failed to repay the same as assured and cheated him. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case. He further submitted that he is no way connected with the alleged allegation. He also stated that the petitioner is 75% visually challenged and the first accused is the



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father of the petitioner, due to which, the petitioner name was wantonly included in this case. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioner along with the other accused have induced the petitioner under the guise of giving huge return received money and cheated the investors to the tune of Rs.5,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the entire



materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.1lakh to the credit of the Crime No.64 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Tiruvallur**, 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 stands dismissed and on further condition that:



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[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.64 of 2022 before the learned Judicial Magistrate No.I, Tiruvallur, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the de-facto complainant, within a period of two weeks thereafter;

[b] 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;

[c] the petitioner shall report before the respondent police every Saturday at 10.30 a.m. for a period of eight 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

22.12.2022

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