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Crl.O.P.No.31456 of 2022

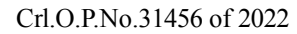
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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(2) and 420 of IPC in Crime No.398 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused on giving the false promise and assurance of getting a job as Store Executive in Nordex India Manufacturing Private Limited Company, has received a sum of Rs.1,00,000/- from the de-facto complainant and cheated him. When the de-facto complainant asked for return of his amount, the petitioner has abused him in a filthy language and threatened with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that a case of financial dispute was projected as a



4. Learned Government Advocate (Crl.Side) for the respondent submitted that the petitioner on the false promise of getting job as Store Executive in Nordex India Manufacturing Private Limited Company, has induced the de-facto complainant and received a sum of Rs.1,00,000/- and cheated him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.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.20,000/- to the credit of the Crime No.398 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, 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.20,000/- (Rupees twenty thousand only) to the credit of Crime No.398 of 2022 before the learned Judicial Magistrate, 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 once in a month at 10.30 a.m. for a period of three months 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



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

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