

CrI.O.P.No.4723 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 120B and 420 IPC in Cr.No.14 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the third accused colluded with each other and on false promise they received a sum of Rs.2,35,50,000/- from the defacto complainant to secure him a Chairman post in the Wrestling Federation of India and cheated him. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that this is second anticipatory bail application and the earlier petition was dismissed by this Court on 14.12.2022. He further submitted that admittedly the defacto complainant and the petitioners are close relatives and they had transaction with the Wrestling Federation. It is submitted that the petitioners are now ready to comply with any condition stipulated by this Court. Hence, he prays to grant anticipatory bail to the petitioners.



4. Mr.Prakash Raj, learned counsel for the intervenor raised strong objection for the grant of anticipatory bail to the petitioners. He submitted that by issuing a false certificate, as if, he was appointed as a Chairman of the District Federation of India and donated a sum of Rs.50,00,000/- Lakhs to the account provided by the 1st and 2nd petitioner and as a proof, he enclosed whatsapp conversation in the additional typed set of papers.

5.The **learned Government Advocate (Crl. side)** submits that the petitioners and the third accused colluded with each other and on false promise they received a sum of Rs.2,35,50,000/- from the defacto complainant to secure him a Chairman post in the Wrestling Federation of India and cheated him. Hence, he opposed for granting anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and that there is no possibility of tampering the witnesses and the fact that investigation is almost completed and the petitioners are voluntarily ready to deposit an amount of Rs.5,00,000/- each to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. Accordingly, the petitioners are directed to deposit each a sum of Rs.5,00,000/- (Rupees five lakh only) to the credit of Crime No.14 of 2022, and on such deposit, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of **four weeks** from the date of receipt of a copy of this order, before the learned *Judicial Magistrate-I, Namakkal*, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties out of which one surety shall be a blood surety, 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 and on further condition that:

(a) 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;

(b) the petitioners are directed to deposit each a sum of **Rs.5,00,000/- (Rupees Five Lakh only)** to the credit of Crime No.14 of 2022 and the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;



(c)the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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