

CrI.O.P.No.4389 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Section 420 IPC in Cr.No.408 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner on false promise, to arrange job in Fair Price shop, received a sum of Rs.4,00,000/- from the defacto complainant. Thereafter, neither returned the money nor arranged job. Thereby, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the defacto complainant and the petitioner are relatives, due to previous enmity, a false complaint has been lodged against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The **learned Government Advocate (Crl. side)** submits that on false promise, to arrange employment in Fair Price shop, the petitioner totally received a sum of Rs.4,00,000/- from the defacto complainant and her relative. Thereafter, neither returned the money nor arranged job and the same was questioned by the defacto complainant, hence, the petitioner gave two cheques, and the cheques got dishonoured. Therefore, the learned Government Advocate opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the dispute is only with regard to money transaction, there is no possibility of tampering the evidence, hence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate I, Villupuram***, 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 and on further condition that:

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

(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 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;



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

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02.03.2023

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