



Crl.O.P.No.4640 of 2023

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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 403, 408 and 294(b) of IPC in Crime No.44 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, who is the owner of the sago factory, is that the petitioner, who was working under him, has cheated the defacto complainant by misappropriating the money to the tune of Rs.1,50,000/- and also taken away a cell phone from him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the defacto complainant is the one who assaulted the petitioner for asking leave, for which, a case in Crime No.143 of 2022 was registered against the defacto complainant. In order to escape from the clutches of law, the defacto complainant has given a false complaint against the petitioner, as



Crl.O.P.No.4640 of 2023

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if he has misappropriated the money belongs to the factory. Even as per the complaint lodged by the defacto complainant, the offence took place during the month of April 2022, whereas, the complaint was lodged only on 01.02.2023, thereby, it itself show that it is a forged case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who was working under the defacto complainant, has cheated him and misappropriated him to the tune of Rs.1,50,000/- and also taken away a cell phone from him. He would submit that no one has been injured in this case. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently raised objections stating that the petitioner has the cheated the defacto complainant by misappropriating the money to the tune of Rs.1,50,000/- and also taken a cell phone from him.



Crl.O.P.No.4640 of 2023

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6.In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.20,000/- to the credit of Crime Number and he has no objection in the amount being disbursed to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

7.Considering the facts and circumstances of the case and also the submissions made by the learned counsel and the petitioner is ready and willing to deposit some amount to the credit of crime number, 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, Attur, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



Crl.O.P.No.4640 of 2023

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Thousand only) with two sureties, out of which, one must be a blood related 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b)the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.44 of 2023 before the learned Magistrate, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

(c) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of six weeks;



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CrI.O.P.No.4640 of 2023

(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 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]*; and;

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

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Crl.O.P.No.4640 of 2023

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Crl.O.P.No.4640 of 2023

02.03.2023