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Crl.O.P.No.5025 of 2023

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and Crl.M.P.No.3637 of 2023

**A.D.JAGADISH CHANDIRA, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.39 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ranganathan is that the defacto complainant was a Vice-Chairman in ADMK and at that time, the petitioner who was working as a lab technician in Rajiv Gandhi Government Medical College and Hospital, got introduced to him. The petitioner induced the defacto complainant stating that he would be able to secure jobs in a Transport Corporation for the post of driver, mechanic and manager and believing the same, the defacto complainant during the year 2015, collected amounts from several persons and handed over a sum of Rs.30,00,000/- to the accused whereas, the accused neither secured any job nor returned the money. He would submit that the defacto complainant had earlier given a complaint



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before Srimushnam police and an enquiry was conducted in CSR No.55 of 2018 and during said time, the accused had agreed to repay the amount on or before 25.10.2019 and thereafter the accused had absconded. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would submit that a case of time bound debt has been falsely projected as a case of job racketing and the defacto complainant is attempting to recover the money by way of police action. He would submit that the defacto complainant had earlier given a complaint against the petitioner before the Srimushnam Police Station and an enquiry was also conducted in CSR No.55 of 2018 and thereafter, it is found that there was no substance in the allegations made by the defacto complainant and the enquiry was also referred. Subsequently based on a direction from the learned Judicial Magistrate-II, the case has been registered by the present respondent. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate(Crl.Side) would submit that the petitioner, who employed in Rajiv Gandhi Government Medical College and Hospital as a lab technician, had induced the defacto complainant stating that he could arrange job in the Transport Corporation for the post of driver, mechanic and manager and based on that, the defacto complainant collected amounts from several persons to the tune of Rs.30 Lakhs and handed over the same to the petitioner during the year 2015. Thereafter, the petitioner cheated the defacto complainant and he neither secured any job nor returned the money. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Mr.Pugalenth, learned counsel for the intervenor/defacto complainant would submit that though defacto complainant is a politician, he is an innocent and poor man. Believing the petitioner, he had collected the amount of Rs.30 lakhs from several persons and handed over the same to the petitioner during the year 2015 whereas the accused has cheated him.



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6. At this juncture Mr.V.Chandra Sekara Reddy, learned counsel for the petitioner would submit that the petitioner, without prejudice, is ready and willing to deposit a sum of Rs.5.00 lakhs to the credit of Crime No.39 of 2021 to show his bonafide.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has voluntarily come forward to deposit an amount of Rs.5.00 lakhs, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.39 of 2021, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate-II, Vridachalam, Cuddalore District**, on condition that the petitioner shall execute a bond for a sum of

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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 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.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.39 of 2021, before the concerned Magistrate, within a period of four weeks from the date on which the order copy is made ready and the learned Magistrate is directed to redeposit the said amount into any interest bearing fixed deposit scheme in any nationalised bank till the disposal of the case.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.



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[d] the petitioner shall appear before the respondent police daily at 06.30 p.m., for a period of one week and every Saturday and Sunday at 06.30 p.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

9.Consequently, connected miscellaneous petition is closed.

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