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Crl.O.P.No.5382 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468, 506(i) r/w 34 of IPC, in Crime No.38 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, Muthulakshmi, is that one Hanifa/A3 is a known person to the de-facto complainant. The said A3, who had assured the de-facto complainant to get a Government Job for de-facto complainant's son, who has completed ITI course, had introduced the de-facto complainant to A1, who was a Government Servant working as an ASO in Adhithiravidar & Tribal Welfare Department, formerly Personal Assistant to the Ex. Health Minister and A2, the driver of A1, stating that A1 could be able to get Government job for her son and the accused have received a sum of Rs.7,00,000/- totally from the de-



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facto complainant and her sister and cheated them. The further allegation is that when the de-facto complainant has demanded her money, the accused have threatened her with dire consequences. Hence the case.

3. S.Vijayanand, learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A3 in this case, is an innocent person, and he was falsely implicated in this case. He further submitted that the de-facto complainant was unnecessarily dragged the petitioner in this case. He also submitted that the second accused, with whom the de-facto complainant has some financial dispute, has been enlarged on bail by the learned Principal Sessions Judge in CrI.M.P.No.5697 of 2023 vide order dated 14.03.2023. He further submitted that the petitioner is no way connected with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this Court, therefore, he prayed to grant anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter.



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5. N.S.Suganthan, learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner (A3) along with other accused, had induced the de-facto complainant on the promise of getting Government job to her son, had received a sum of Rs.7 lakhs from her and thereafter, cheated her and also threatened her with dire consequences. He also submitted that the investigation is at very nascent stage and the respondent have also anticipates several complaints against the accused. Therefore, he opposed for grant of anticipatory bail to the petitioner.

6. Mr.K.R.Arun Shabari, learned counsel appearing for the Intervener submitted that the accused have not only cheated the de-facto complainant, they have also threatened them with dire consequences, when the de-facto complainant and her family have demanded their money back. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

7. In reply, the learned counsel for the petitioner submitted that the petitioner, in order to show his bonafide, without prejudice to his defense and



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contention, is ready and willing to deposit a sum of Rs.5 lakhs to the credit of crime number. Therefore, he prayed to grant bail to the petitioner.

8. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

9. Accordingly, **the petitioner is directed to deposit a sum of Rs.5 lakhs to the credit of Crime No.38 of 2023, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof**, 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 Special Judge for CCB & CBCID Casees, Egmore, Chennai – 600 008**, on condition that 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 stand dismissed and on further condition that:



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[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 report before the respondent police everyday at 10.30 a.m., until further orders;

[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 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]**;

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

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