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Crl.O.P.No.5406 of 2023

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and Crl.M.P.No.3636 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. The petitioner is a politician and also the friend of the defacto complainant. The petitioner induced the defacto complainant stating that he can arrange for jobs for the post of driver, mechanic and manager in the Transport Corporation and believing the same, the defacto complainant, during the year 2015 collected money from several persons and handed over a sum of Rs.30 lakhs to the petitioner, whereas the petitioner neither secured any job nor returned the money. Hence, the case.



Crl.O.P.No.5406 of 2023

WEB COPY

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 submit that a case of time bound debt has been falsely projected as a case of job racketing and the defacto complainant is trying 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, since it was found that there was no substance in the allegations made by the defacto complainant, the enquiry was referred. Subsequently based on a direction from the learned Judicial Magistrate-II, a case has been registered before the present respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner, who is a politician and also the friend of the defacto complainant, had induced the defacto complainant stating that he would obtain jobs for several persons and based on that, the defacto



Crl.O.P.No.5406 of 2023

WEB COPY

complainant collected around Rs.30 Lakhs and handed over the same to the petitioner during the year 2015. Thereafter, the petitioner cheated the defacto complainant. 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 the defacto complainant is a politician, he is an innocent and poor man. Believing the words of the petitioner, he collected the amount of Rs.30 lakhs from several persons and handed over the same to the petitioner during the year 2015, whereas the petitioner cheated him.

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 lakhs to the credit of Crime No.39 of 2021 to show his bonafide.



Crl.O.P.No.5406 of 2023

WEB COPY

7. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has voluntarily come forward to deposit an amount of Rs.5 lakh, 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 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:



Crl.O.P.No.5406 of 2023

WEB COPY

[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.

[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.



CrI.O.P.No.5406 of 2023

WEB COPY

[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

13.03.2023

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Crl.O.P.No.5406 of 2023

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Crl.O.P.No.5406 of 2023

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