



Crl.O.P.No.5533 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 offence punishable under Section 420 of IPC in Crime No.365 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Jothy is that the petitioner has induced the de facto complainant on a false assurance of getting job in Singapore, had received a sum of Rs.2,50,000/- and cheated the de facto complainant. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the case of financial dispute has been falsely projected as a case of Job Racketing. He would further submit that the claim of the de facto complainant is Rs.2,50,000/- and without prejudice to the defence and the contentions,



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the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime No.365 of 2022 to show his *bona fide* and he has no objection in the amount being released to the de facto complainant. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had induced the de facto complainant on a false promise/assurance of securing job in Singapore and has cheated the de facto complainant to the tune of Rs.2,50,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the facts and circumstances of the case, the submissions of both sides and also the undertaking given by the petitioner that without prejudice he is ready and willing to pay a sum of Rs.1,00,000/- to the credit of Crime No.365 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.365 of 2022**, 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-1, Viruthasalem** 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



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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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.365 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready. The amount shall be paid to the de facto complainant subject to filing of the petition and proof. If the amount is not deposited within four weeks, the anticipatory bail order shall automatically stand lapsed/dismissed.

[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 report before the respondent police everyday at 10.30 a.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.



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[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.

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