



Crl.O.P.No.7694 of 2022

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C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.10 of 2020 registered by the respondent Police for the offence under Sections 409 and 506(i) IPC.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in a case registered in Crime No.10 of 2020 registered by the respondent Police for the offence under Sections 409 and 506(i) IPC. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) submitted that the petitioner had purchased cashew nuts worth about Rs.20,73,630/- and paid Rs.2,00,000/-. Therefore, the defacto complainant had given a complaint against the petitioner. Thus, he prayed for dismissal of this petition.



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4. It is seen that parties were referred to mediation by an Order dated 20.04.2022. In the mediation, settlement had been reached, whereby the petitioner had agreed to pay a sum of Rs.13,25,000/- within a period of four months. It is however stated that the defacto complainant had subsequently died.

5. In view of the facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 **Judicial Magistrate No.1 Court, Ariyalur**, 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:

[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.



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[b] the petitioner should file compliance report regarding payment of agreed amount within a period of two weeks from the date of receipt of a copy of this order and even if the defacto complainant has died, petitioner must deposit the said amount to the credit of Crime No.10 of 2020 before the trial court. If the conditions are not complied with, the respondent police is directed to enquire the legal heirs of the defacto complainant and take petitioner into custody.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required by the respondent police.

[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]**;



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

13.10.2023

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