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Crl.O.P.No.7525 of 2023

Crl.O.P.No.7525 of 2023 and

Crl.M.P.No.5167 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468, 471, 120(B) and 506(1) IPC, in Crime No.9 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Narayanasamy is that the one Manikandan/A1 and his father Muniyappan/A4 had induced the defacto complainant on the promise of securing jobs in the Jipmer Hospital and cheated amounts to the tune of Rs.40 lakhs. Further, A1 had also issued bogus appointment orders. Thereafter, on demand, A1 repaid only Rs.8,50,000/- and the balance amount of Rs.31,50,000/- is to be repaid. The other accused are the family members of A1 and A4 and they were also present at the time of receiving money from the defacto complainant. Earlier, when the defacto complainant had asked for refund of money, the accused agreed to repay the same but later, refused to repay the money. Hence, the case.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The 1st petitioner is the wife of Manikandan/A1, the 2nd and 3rd petitioners are respectively wife and daughter of Muniyappan/A4. Even as per the prosecution, the entire allegation is only against A1 and his father/A4, whereas their family members have been falsely roped into this case. Though it is stated by the defacto complainant that he had paid Rs.40 lakhs to the accused, except for the amount of Rs.9,90,000/- which is said to have been paid through bank transaction, there is no other material to show that further amount was paid to the accused. Even as per the defacto complainant, he had collected money from 7 persons and handed over the same to the main accused by cash. However, the petitioners being the family members of A1 and A4 are ready to jointly deposit property documents worth Rs.10 lakhs to the credit of crime number to show their bonafide. Hence, he prayed to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the first petitioner is the wife of A1 and the 2nd and 3rd petitioners are mother and sister of A1. A1 and A4 who are son and father, have induced the defacto complainant on the false assurance of securing job in Jipmer Hospital and cheated him to the tune of Rs.40 lakhs. Subsequently, on demand, a sum of Rs.8,50,000/- has been repaid and a sum of Rs.31,50,000/- remains to be paid. He further submitted that from the cheated amount, properties have been purchased in the name of the petitioners.

5. The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners stating that A1 along with other accused intentionally cheated the defacto complainant and out of the cheated money, properties have been purchased in the petitioners' name.

6. Heard both sides and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case and considering the voluntary submission made by learned counsel for the petitioners that the petitioners are ready to deposit property documents worth Rs.10 lakhs, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the **petitioners are directed to jointly deposit the original title deed of an immovable property worth about Rs.10 lakhs, standing in their names or relatives or friends, to the credit of Crime No.9 of 2023** and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.1, Villupuram**, on condition that the petitioners shall execute separate bonds 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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].



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

Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous petition is closed.

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A.D.JAGADISH CHANDIRA, J.,

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