



Crl.O.P.No.8778 of 2023

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M.DHANDAPANI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 419, 420, 465, 467, 468, 471 of IPC and Section 66D of IT Act, 2000 in Cr.No.85 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the A1 and his family members received a sum of Rs.15,000/- each from the defacto complainant and other persons by making false promise that they will arrange job for them in Sailors Maritime Academy, Visakapattinam and thereafter neither arranged job nor returned money and the amount cheated is about Rs.20 Lakhs.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum



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of Rs.4,00,000/- to the credit of the crime number, however, he prays for six weeks time.

4.The learned Government Advocate (Criminal Side) would submit that investigation has not yet completed and opposed for grant of anticipatory bail to the petitioner.

5.This is the third anticipatory bail petition filed by the petitioner. Though the petition seeking anticipatory bail filed by the petitioner has already been dismissed by this Court two times, the law investigating agency is not interested to secure the petitioner/accused and complete the investigation. Hence, considering the fact that the petitioner, on his own volition, has come forward to deposit a sum of Rs.4,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 and on further condition that:

(a)the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) to the credit of Cr.No.85 of 2020 before the learned Judicial Magistrate No.1, Poonamallee, within a period of six weeks from the date of receipt of a copy of this order.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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



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imposed and the petitioners 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.04.2023

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