



CrI.O.P.No.8025 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420 of IPC, in Crime No.74 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Angamuthu is that the petitioners have promised him that they will secure Government job for his two sons and received a sum of Rs.10,00,000/- from him and thereafter neither secured the job nor returned the money back, due to which the younger son of the defacto complainant committed suicide. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given against them. He would further submit that only based on the order passed by the Judicial Magistrate under Section 156(3) of Cr.P.C, F.I.R came to be registered. He further submits that the petitioners have paid a a sum of



Crl.O.P.No.8025 of 2023

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Rs.6,00,000/- whileso a exaggerated complaint has been registered against the petitioners. He also submits that the younger son of the defacto complainant committed suicide for some other reason. He further submitted that the petitioners are prepared to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners induced the defacto complainant that they will secure Government job and received a sum of Rs. 10,00,000/- from them, thereafter, neither secured the job nor re-paid the amount and thereby cheated the defacto complainant, due to which the younger son of the defacto complainant committed suicide. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that the petitioners, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.3,50,000/- jointly to the credit of crime number before the concerned



Crl.O.P.No.8025 of 2023

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Court and hence, he prayed for grant of anticipatory bail to the petitioner.

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

7. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the petitioners volunteered to deposit a sum of Rs.3,50,000/- jointly to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.3,50,000/- (Rupees Three Lakhs and fifty thousand only)** jointly by way of Demand Draft/RTGS/NEFT to the credit of **Crime No.74 of 2023** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their



Crl.O.P.No.8025 of 2023

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appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate II- Namakkal, on condition that the petitioners shall execute a separate 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 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 deposit a sum of **Rs.3,50,000/- (Rupees Three Lakhs and fifty thousand only)** jointly to the credit of Crime No.74 of 2023 within a period of two weeks from the date of receipt of a copy of this order.

[c] **the first petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders and the second and third petitioner shall report before the respondent police as and as and when**



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Crl.O.P.No.8025 of 2023

required for interrogation.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been 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]**.

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

24.04.2023

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Crl.O.P.No.8025 of 2023

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Crl.O.P.No.8025 of 2023

24.04.2023