



Crl.OP.No.9374 of 2023

Crl.O.P.No.9374 of 2023

K.KUMARESH BABU, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(ii1) of IPC in Crime No.412 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that one Ramakrishnan had approached the *de facto* complainant through the petitioner and promised to get Government job for his wife, for which the *de facto* complainant has paid a sum of Rs.6,50,000/- on various dates to the bank account of said Ramakrishnan. However, he neither get the job as promised nor returned the money paid by the *de facto* complainant. When the *de facto* complainant questioned about the same, Ramakrishnan abused him and gave life threatening. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there is no transaction between the petitioner and the *de facto* complainant and he has been falsely implicated in this case. Further, he



Crl.OP.No.9374 of 2023

would submit that the first accused had been secured and released on bail. He would further submit that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of crime No.412 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the petitioner had colluded with one Ramakrishnan and cheated the amount to the tune of Rs.6,50,000/- from the *de facto* complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the fact that the petitioner is ready to deposit a sum of Rs.50,000/- and since it was submitted by the learned counsel for the petitioner that the first accused is released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of



CrI.OP.No.9374 of 2023

Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.412 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, Palladam, 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.

[b] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.412 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of



Crl.OP.No.9374 of 2023

trial.

[d] the petitioner shall appear before the respondent police as and when required for interrogation.

[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.

[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.

18.05.2023

nsa/gsk



WEB COPY



Crl.OP.No.9374 of 2023

K.KUMARESH BABU, J.

nsa/gsk

Crl.O.P.No.9374 of 2023

18.05.2023