



Crl.OP.No.9400 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(1) of IPC in Crime No.12 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on a false promise of arranging loan, the petitioner through his friend (A1), had cheated the *de facto* complainant. For the same, A1 had received a sum of Rs.20,00,000/-. Further, A1 had received 28 Sovereigns of Gold Jewels from the *de facto* complainant to get a job for the daughter of the *de facto* complainant. When the *de facto* complainant demanded for the repayment of aforesaid amount and jewels, A1 issued a cheque for a sum of Rs.10,00,000/- and the same was returned due to insufficient funds. Hence, the complaint.



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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 would submit that he is not having any bad antecedents and there is no previous case pending against him. He would further submit that the petitioner is ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of crime No.12 of 2023. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the petitioner had cheated the amount to the tune of Rs.20,00,000/- and also 28 Sovereigns of Gold Jewels through his friend A1. 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.5,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.12 of 2023, 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 No.I, Thiruvallur, 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.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.12 of 2023, before the concerned Magistrate,



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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 trial.

[d] the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, 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



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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.

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