



Crl.OP.No.9329 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC, in Crime No.51 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused collected a sum of of Rs.95,00,000/- on the assurance of getting Government Job. But, they did not fulfil the promise and delayed in repaying the said amount. When the defacto complainant asked for repayment of the said amount, the accused threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel further submitted that the first accused only collected the above said amount from the defacto complainant. The petitioner is no way connected to this case. Since the petitioner is having



Crl.OP.No.9329 of 2023

some business transaction with the first accused, he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that it is a case of job racketing and the petitioner accompanied the first accused in getting money from the defacto complainant and when they were asked to repay the said money, the petitioner and the other accused threatened the defacto complainant with dire consequences. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the petitioner is implicated in this case only because of some other business transaction with the first accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner is directed to appear before the respondent police as and when required. The respondent police is directed not to take any coercive steps in the meanwhile.



Crl.OP.No.9329 of 2023

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate – III, Cuddalore, 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;



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Crl.OP.No.9329 of 2023

K.KUMARESH BABU.,J

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[d] the petitioner 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];

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

18.05.2023

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Crl.O.P.No.9329 of 2023