

**Crl.O.P.No.11407 of 2023****WEB COPY V.LAKSHMINARAYANAN,J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 417, 420 and 506 (i) of IPC in Crime No.8 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had collected a sum of Rs.1,00,000/- (Rupees One Lakh only) from the defacto complainant by saying that he would marry the defacto complainant. Neither he returned the aforesaid amount nor he married her. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent person and 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 of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of the **Crime No.8 of 2023**. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that

WEB COPY

the petitioner had cheated the defacto complainant by saying the word of desire to marry her and cheated the defacto complaint to the tune of Rs.1,00,000/- (Rupees One Lakh only). Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is ready and willing to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of crime number, 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 **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of **Crime No.8 of 2023**, within a period of two 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, Tiruvottiyur** on condition that the petitioner shall execute a bond for a sum of



WEB COPY

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 is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of **Crime No.8 of 2023** before the concerned Magistrate within a period of two (2) 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 is directed to report before the respondent police everyday at 10.30 a.m for a period of four (4) weeks and thereafter, as and when required for interrogation.

(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;



WEB COPY



V.LAKSHMINARAYANAN,J.

dk/kan

(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 imposed and the petitioner released on anticipatory 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.

24.05.2023

dk

To

- 1.The Judicial Magistrate
Tiruvottiyur.
- 2.The Public Prosecutor
High Court of Madras
Chennai – 600 104.

Crl.O.P.No.11407 of 2023