



Crl.O.P.No.13254 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 offences punishable under Sections 420 read with 34 of IPC in Crime No. 116 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners who are husband and wife claiming to be influential persons in the ruling party have induced the de-facto complainant on a false assurance of getting job, had received a sum of Rs.15,80,000/- and cheated the de-facto complainant. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the case of financial dispute has been falsely projected as a case of Job Racketing. The petitioners have already repaid Rs.1,00,000/- to the defacto complainant and without prejudice to the defence and the contentions, to show their *bona fide*,



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the petitioners are ready and willing to deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs) to the credit of Crime No.116 of 2023. He would also submit that the petitioners are ready and willing to furnish solvent sureties and 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) appearing for the respondent submitted the petitioners had induced the de facto complainant on a false promise/assurance of securing job and have cheated the de facto complainant to the tune of Rs.15,80,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions of both sides and also the undertaking given by the petitioners that without prejudice, they are ready and willing to pay a sum



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of Rs.7,00,000/-(Rupees Seven Lakhs) to the credit of Crime No.116 of 2023, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.7,00,000/-(Rupees Seven Lakhs)** jointly to the credit of **Crime No.116 of 2023** within a period of two weeks from the date of receipt of copy of this order and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **learned Judicial Magistrate No.I, Pondicherry** on condition that the each of the petitioner 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 conditions that :

[a] the petitioners and the sureties shall affix their



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photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the first petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., until further orders and the second petitioner shall report before the respondent police every day at 10.30 am., for period of one week and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or trial;

[e] 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 petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in



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P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];
and;

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

8. Accordingly, the Criminal Original Petition is ordered.

20.06.2023

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