



Crl.O.P.No.15974 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC, in Crime No. 227 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have collected a sum of Rs.11,25,000/- and Rs.4,15,000/- from the defacto complainant and others for getting job and thereafter, he neither secure any job nor return the money. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready and willing to deposit a sum of Rs.5,00,000/- in the disputed amount of Rs.7,50,000/- to the credit of Crime No.227 of 2023, without prejudice to his rights and contentions. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner, in order to secure job, has received totally a sum of Rs.15,40,000/- from the defacto complainant and others and failed to secure any job and refused to return the amount. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, **the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakh only) to the credit of Crime No. 227 of 2023 before the concerned Magistrate**, and on such deposit 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 – I,**



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Thirupathur, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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 is directed to deposit a sum of **Rs.5,00,000/- (Rupees Five Lakh only)** to the credit of Crime No. 227 of 2023 before the concerned Magistrate.

[c] the petitioner shall report before the respondent police daily on every Tuesday and Saturday at 10.30 a.m., until further orders.

[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.



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[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 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]**.

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

29.08.2023

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