



Crl.O.P.No.17016 of 2023

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and Crl.M.P.No.12177 of 2023

WEB C **RMT.TEEKAA RAMAN, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 324, 506(ii) of IPC in Crime No.09 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one Ravikumar and Stalin, who are friends of the defacto complainant has approached the defacto complainant to invest in a scheme where daily 1% return will be paid everyday for 300 days. On believing the words of the accused, the defacto complainant, his relatives and friends have transferred Rs.40,26,000/- to the accused. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is present at the time of transaction, other than that, he has nothing to do with the alleged offence. He would further submit that the co-accused in this case have already been



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released on bail. He would also submit that the petitioner being senior citizen aged 73 years underwent major cardiac surgery and living with the support of stent. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner along with other accused have cheated the defacto complainant, his friends and relatives to the tune of Rs.40,26,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervener vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner along with other accused cheated the defacto complainant and his family members for a sum of Rs.40,26,000/-.

6. Heard the learned counsel for the petitioner as well as the learned



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Government Advocate (crl.side) and perused the entire materials available on record.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also considering the health condition of the petitioner and the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 No.I, Villupuram, 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:



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[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 report before the respondent police daily at 10.30 a.m., until further orders;

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

[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;

9. Accordingly, this Criminal Original petition is ordered.



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Consequently connected Miscellaneous Petition is also closed.

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