



Crl.O.P.No.17527 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 380 of IPC and Sections 66C and 66D of IT Act, 2000 in Crime No.170 of 2022, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was in the ATM centre, he was instructed by A1 that his account was not closed properly. The accused asked the defacto complainant to re-insert the card and as per the request, he inserted the card with pin number in the presence of A1. While so, the accused noted down the pin number and taken the card of the defacto complainant by diverting his attention and handed over a duplicate card to the defacto complainant. Thereafter, the accused by using the original ATM card of the defacto complainant, withdrawn a sum of Rs.25,000/- from his account. Hence the case.



Crl.O.P.No.17527 of 2023

WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was not present at the scene of occurrence. He would further submit that the co-accused in this case namely A1 and A2 have been arrested and later, released on bail by the trial Court in Crl.M.P.No.280 of 2022. 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4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that out of Rs.25,000/- withdrawn from the ATM machine by using the defacto complainant's ATM card, a sum of Rs.2,000/- has been recovered and remaining amount of Rs.23,000/- was spent by the accused for buying mobile phone.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his rights and contentions before the trial Court, is ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime No.170 of 2022. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.17527 of 2023

6.Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also of the fact that the petitioner has come forward to deposit a sum of Rs.10,000/- to the credit of Crime No.170 of 2022, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime No.170 of 2022, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof of payment, 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.II, Perambalur**, on condition that the petitioner shall execute a bond for a



CrI.O.P.No.17527 of 2023

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 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, everyday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[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



WEB COPY



Crl.O.P.No.17527 of 2023

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 abscond, a fresh FIR
can be registered under Section 229A IPC.

16.08.2023

vkr



WEB COPY



Crl.O.P.No.17527 of 2023

RMT.TEEKAA RAMAN, J.

vkrr

Crl.O.P.No.17527 of 2023

16.08.2023