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Crl.O.P.No.17304 of 2023

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Reserved On	29.08.2023
Pronounced On	04.09.2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 406, 420, 465, 468, 471, 506(i), 120B of IPC in Crime No.153 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as 6th accused based on the complaint lodged by one Ganesan S/o. Mariappan. The case of the prosecution is that the *de-facto* complainant was approached by A2/Selvaraj in the year 2022 and claimed that he can secure Government Job for him. Subsequently, A1 who claimed that he is serving as a higher official in the Electricity Board assured that he can arrange job at Electricity Board on payment of certain amount. Therefore, the *de-facto* complainant and two others gave a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) to A1, who also issued



appointment letter to them. Thereafter, the *de-facto* complainant introduced 10 other persons to the A1 and subsequently, through *de-facto* complainant, A1 received sum of Rs.1,00,00,000/- from them for securing Jobs at Electricity Board but subsequently failed to arrange jobs and refused to return the money. The specific allegation against the petitioner is that he had aided A1 along with other accused.

3. The learned counsel for the petitioner stated that the *de-facto* complainant has approached A2 Selvaraj, who has taken him to A1, an higher official in the Tamil Nadu Electricity Board to secure a job in Electricity Board and paid Rs.15,00,000/- and also obtained an appointment order. However, they could not join. In the meanwhile, the *de-facto* complainant has introduced several persons to A1. In order to escape from the clutches of Law, he has made allegations against A6.

4. The learned counsel for the petitioner contended that A2 is the person who has received the amount, A1 is the person who is said to be working in the TNEB and A6 is working as a time



keeper in the Metropolitan Transport Corporation, who has no way connected with the offence. Drawn my attention to the averments in the FIR.

5. The learned Government Advocate (Crl.side) would state that as per the FIR, there is no specific overt act against the petitioner except a bald allegation that he assisted. As per the investigation, on two occasions, *de-facto* complainant has enquired A6 about the status of the so called recruitment order pursuant to the payment made.

6. The learned counsel for the intervenor would contend that, this petitioner/A6 has impersonated himself as an higher officials of the TNEB and hence, he strongly opposed for grant of anticipatory bail.

7. On perusal of the averments made in the complaint, I don't find any such averment being made in the complaint. Even during the investigation, it has come to light that only on two occasions, he has contacted the A2 regarding the status of the alleged recruitment order and hence, I find that the alleged overt act



now projected by the *de-facto* complainant is only an after thought.

8. As per the averments in the complaint, the *de-facto* complainant has approached A2 & A1 and also introduced so many persons under the guise of getting an employment in the TNHB. Now, he stands as an accused for those persons and for his case as an *de-facto* complainant.

9. Considering the overt act alleged against the petitioner as discussed supra, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, 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 Special Court for the CCB and CBCID cases Egmore at Chennai**, 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



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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 every Saturday 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].



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

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(1/2)

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