



Crl.O.P.No.21771 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A4&A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 419 and 384 of I.P.C, in Crime No.330 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a tea shop owner and he had saved his hard earned money for a sum of Rs.3,30,000/- and on 26.06.2023, 3 persons visited the shop, posed as police officials and threatened the de-facto complainant that he is involved in selling of banned lottery tickets and earning illegal money. Thereafter, the de-facto complainant was forced to withdraw a sum of Rs.3,20,000/- from his account directly by him and the imposters extorted the said amount and the de-facto complainant was threatened with dire consequences. 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 further submits that the 1st accused had borrowed a sum of



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Rs.35,000/- from the first petitioner and had returned the same. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that A2 and A3 have been already arrested and released on bail. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, **petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Crime No.330 of 2023, before the concerned Magistrate within a period of two weeks, failing which, the anticipatory bail shall stand dismissed, if after the trial, if the petitioners are convicted, the Judicial Magistrate must to hand over the said amount to the de-**



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facto complainant. If the accused are acquitted, the money may be returned back to them. Therefore, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.1, Namakkal**, on condition that the petitioners 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 condition that:

[a] the petitioners 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 petitioners are each directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of Crime No.330 of 2023, before the



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concerned Magistrate within a period of two weeks, failing which, the anticipatory bail shall stand dismissed, if after the trial, if the petitioners are convicted, the Judicial Magistrate must to hand over the said amount to the de-facto complainant; If the accused are acquitted, the money may be returned back to them.

[c] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.



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