



Crl.O.P.No.25129 of 2023

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M.DHANDAPANI,J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 420 and 506(i) of I.P.C. in Cr.No.1061 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have received a sum of Rs.8,50,000/- from the defacto complainant for the purpose of construction work and thereafter, neither completed the construction work nor repaid the amount.

3.The learned counsel appearing for the petitioner would submit that earlier the petitioners filed Crl.O.P.No.18851 of 2021 seeking anticipatory bail and since the petitioners agreed to deposit the alleged amount, this Court granted anticipatory bail to the petitioners on 07.10.2021, however, the petitioners were not able to deposit the amount. Hence, the petitioners have filed this petition seeking anticipatory bail. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights and



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defence, are ready to pay a sum of Rs.8,50,000/- to the defacto complainant by way of demand draft. Hence, this Court may consider for grant of anticipatory bail to the petitioners.

4.Heard the learned Government Advocate (Criminal Side) appearing for the respondent.

5.Considering the fact that the petitioners, on their own volition, have come forward to pay a sum of Rs.8,50,000/- to the defacto complainant by way of demand draft, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kangeyam, Tiruppur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

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(a)the petitioners, without prejudice to their rights and defence, shall pay a sum of Rs.8,50,000/- [Rupees Eight Lakhs and Fifty Thousand Only] to the defacto complainant by way of demand draft, within a period of two weeks from the date of receipt of a copy of this order and shall produce the proof/ receipt of such payment before the learned Judicial Magistrate, Kangeyam, Tiruppur, at the time of executing sureties.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police as and when required for interrogation;

(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



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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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.11.2023

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