CRL.O.P.No.31103 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 408, 420 of IPC in Cr.No.139 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Manager of the Tari Tari Collection agency a company that collects monthly installments for TVS. The petitioner who was working as a collector of installment in that company defrauded the money by not paying the installment amount revived from the customers to the company and not given proper receipt to the customers. He also cheated the customers who did not pay their monthly installments by impounding their vehicles and not handing them to the company. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner had cheated the company to the tune of Rs.2,86,676/-. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.139 of 2022, within a period of two weeks and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on

his appearance, before the **learned Judicial Magistrate, No.II, Tirupattur** 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 and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.50,000/-** (**Rupees Fifty Thousand only**) to the credit of Crime No.139 of 2022 before the concerned Magistrate within a period of two weeks and the defacto complainant is permitted to withdraw the said deposit amount of Rs.50,000/- on proper identification and acknowledgment;

(b) the petitioner 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 petitioner is directed to appear before the respondent police on alternative days at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during

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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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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.

05.01.2023

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