



Crl.O.P.No.27547 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.825 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had received a sum of Rs.7,00,000/- from the defacto complainant on 31.01.2023 promising a Government job but however, the petitioner did not obtain Government job nor returned the money. At the time of filing of the First Information Report, it had been stated that a sum of Rs.2,00,000/- had been returned.

3. The learned counsel for the petitioner would submit that the balance amount of Rs.5,00,000/- had also been paid to the defacto complainant and that the said fact is reflected in the order of the learned Principal Sessions Judge at Tiruppur. Before the learned Principal Sessions Judge, the defacto complainant had appeared and had stated that the petitioner had the habit of receiving money from several persons and then repaying them.

4. This Court can examine only the facts as required to be examined in Cr.No. 825 of 2023.



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5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 Judicial Magistrate, Avinashi, 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 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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]**.

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

12.12.2023

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