



Crl.OP.No.28231 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner in Crime No.522 of 2023, registered under Sections 420 and 506 (ii) IPC, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents.

3.It is the case of the prosecution that the de facto complainant has alleged that the petitioner had promised a job for the son of the de facto complainant, who is unfortunately differently abled and had received a sum of Rs.4,00,000/- and an additional sum of Rs.7,00,000/-. Claiming that neither was a job provided nor was money returned back, and as a matter of fact, a fake appointment order was issued, a complaint had been lodged. The learned counsel for the petitioner however pointed out that the petitioner had borrowed a sum of Rs.2,20,000/- from the de facto complainant and had executed a promissory note on 19.10.2019 and there was failure to repay the same. The de facto complainant had issued a notice through his counsel on 02.07.2022 and had also instituted O.S.No.343 of 2022, before the Principal Sub Court at Tindivanam. There being two divergent facts stated, the prosecution will have to established their case during the course of trial. At this stage, anticipatory bail is granted.



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4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 **learned Judicial Magistrate, No.I, Tindivanam**, 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 **to appear before the respondent police every day at 10.30 a.m, for a period of three weeks** and thereafter as and when required for interrogation.



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[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 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]**;

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

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