



Crl.O.P.No.28590 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 420 of IPC in Crime No.379 of 2023, seeks anticipatory bail.

2. It is stated that the petitioner herein had collected amounts toward Deepavali fund and totally a sum of Rs.3,60,000/- from 16 individuals.

3. The learned counsel for the petitioner would submit that the petitioner is not the main person, but there was yet another individual, who actually collected and benefited from the amount. The learned counsel however expressed bona fide to deposit a sum of Rs.1/ lakh to the credit of the Cr.No. 379 of 2023.

4. Taking all the factors into consideration, 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 Judicial Magistrate, Cheyyur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties



CrI.O.P.No.28590 of 2023

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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 two weeks and thereafter as and when required.

[c] the petitioner is directed to deposit a sum of Rs.1,00,000/- to the credit of Cr.No. 379 of 2023 and on such deposit, the learned Judicial Magistrate, Cheyyur, may transfer it into a fixed deposit and pass further orders depending on the application received for withdrawal after verifying the bona fide and all surrounding circumstances. Time granted to deposit the said amount is 12.01.2024.

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



CrI.O.P.No.28590 of 2023

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[e] the petitioner 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 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]**.

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

22.12.2023

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