



Crl.O.P.No.518 of 2024

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 463, 464, 465, 471, 506(ii) of IPC in Crime No.342 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons received a sum Rs.2,48,00,000/- from the defacto complainant under the guise of getting a job in Central Food Corporation. Thereafter, the accused persons neither got a job nor returned the money thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The first accused was arrested and subsequently released on bail and other accused persons were also granted anticipatory bail by this Court. He further submitted that the petitioner is ready and willing to deposit title deed as directed by this Court. Therefore, he prays



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4. The learned Additional Public Prosecutor would submit that there are the totally four accused and the petitioner is arrayed as A2. This is the fourth petition and this Court already dismissed the earlier petitions on three occasions. He further submitted that the custodial interrogation of the petitioner is very much essential and hence, he opposed to grant anticipatory bail to the petitioner.

5. Though this Court already dismissed the earlier anticipatory bail petitions on three occasions, the respondent did not even take any steps to secure the petitioner so far. That apart, even according to the defecto complainant a sum of Rs.10,00,000/- transferred to the petitioner and a sum of Rs.25,00,000/- transferred in favour of the first accused. The first accused was arrested and subsequently released on bail. Other accused persons were also granted anticipatory bail by this Court. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is directed to deposit original title deeds stands in the name of the petitioner or his relatives or his friends, not below the value of Rs.50,00,000/- (Rupees fifty lakhs only) along with the valuation certification obtained from the authority concerned, to the credit of Crime No.342 of 2021, within a period of two weeks from the date on which the order copy made ready, 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, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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.



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[b] the petitioner shall deposit original title deeds stands in the name of the petitioner or his relatives or his friends, not below the value of Rs.50,00,000/- (Rupees fifty lakhs only), along with the valuation certification obtained from the authority concerned, to the credit of Crime No.342 of 2021, within a period of two weeks from the date on which the order copy made ready, before the jurisdiction Magistrate.

[c] the petitioner shall appear before the respondent police daily twice at 10.30 a.m. and 5.30 p.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 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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