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CrI.O.P.No.491 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 and 506(i) of I.P.C in Crime No.194 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner had given false promise to the defacto complainant that he will secure Government job for his son in the HR & CE and received a sum of Rs.5,00,000/- from the defacto complainant. Thereafter, neither secured the job nor returned the money. Hence the complaint.

3. The learned counsel for the petitioner stated that the defacto complainant had borrowed a sum of Rs.5,00,000/- and when the petitioner demanded the money, the defacto complainant paid the borrowed money in two installments. In the first installment he paid a sum of Rs.2,25,000/- and in the second installment he paid a sum of



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Rs.2,50,000/- and when the petitioner demanded for the balance payment of Rs.25,000/- the present complaint had been given against the petitioner.

4.However, taking all the other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner, **directing the petitioner to deposit an amount of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.194 of 2023 before the learned Judicial Magistrate No.I, Bhavani.**

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, Bhavani.**, 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



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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., until further orders.

[c] the petitioner is directed to deposit an amount of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.194 of 2023 before the learned Judicial Magistrate No.I, Bhavani. On such deposit being made the learned Judicial Magistrate No.I, Bhavani may transfer the same to any fixed deposit account in one of the nationalised bank and the amount should be retained in the bank account till the date of final order. If the petitioner is convicted the said amount may be returned to the defacto complainant with interest. If the defacto complainant is acquitted the said amount may be returned to the accused with interest.

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

[d] the petitioner shall not abscond either during



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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.

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