



Crl.O.P.No.2791 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of I.P.C. in Crime No.629 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as building labour for the past four years and he was approached by one Bharathi of Sarcarpudhur village asking him to joint in an unorganised labours welfare society, which is introduced by the Government for the welfare of hardwork labours, for which, A1 is the President and A2 is the Secretary. They have informed them that if any of person wanted to join in the said society, they have to pay Rs.100/- towards membership fee and also promised that Government will pay Rs.1000/- per month to the members. On believing their words, the defacto complainant paid a sum of Rs.600/-, but the said Bharathi issued receipt only for Rs.3000/-. Likewise, other persons have also joined with the society, but



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neither identity card issued to them nor amount returned to them.

Furthermore, all the members are illiterate persons and they are cheated by the accused around Rs.50,000/-. Hence, the respondent police is registered the case against the petitioner.

3. The learned counsel appearing for the petitioner submits that this is the second petition seeking for anticipatory bail. He would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that he undertake to abide any condition that may be imposed by this court and there is no previous case pending against him. Accordingly, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner stating that the amount involved is Rs.50,000/- and the poor illiterate persons are cheated by the accused. He would submit that totally, there are two accused, in which he is arrayed as A2 and the co-accused/A1 is still in prison. So, at this stage, if he is granted anticipatory bail, he would tamper the evidence and hamper the investigation. Hence, he prayed to dismiss this petition.



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5. Taking into consideration the facts and the submissions made by the both counsel and also the fact that investigation is almost completed and there is no previous case pending against him, 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 (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Udumalaipettai** on condition that the petitioner is directed to **deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of Crime No. 629 of 2022 within a period of two weeks from the date of receipt of copy of this order** and he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, **in which one surety must be a blood surety** 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 and on further condition that:



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[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 trial court on every Wednesday at 10.30 a.m. for a period of four weeks and he shall cooperate with the trial proceedings.

[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 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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