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CrI.O.P.No.3837 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1 in Crime No.13 of 2023 registered by the respondent police for the offences punishable under Sections 406 and of 420 of IPC seeks anticipatory bail.

2.The case of the prosecution as against the two accused and others is that the defacto complainant had become acquainted with this petitioner/A1 through an advertisement which he had put up in a matrimonial site. It is stated that the petitioner herein/A1 had expressed intention to get into an alliance with her, but, later that could not materialize and it is further stated that he then offered to get her a government job and consequent to such offer, she resigned the job she was at that time placed in and later had transferred either from her or from her brother, a sum of Rs.32,70,000/- to the bank account of the petitioner. The petitioner did not give her a job, he did not return the money. Under those circumstances that the complaint had been lodged



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and FIR had been registered.

3.The learned Government Advocate (Crl.Side) however contested every aspect of those statements and stated that A1 and A2 had promised Government jobs to nearly five victims and all of them had totally had paid a sum of Rs.63,69,000/- to the accused persons. The amounts had not been returned. Neither were jobs promised been secured.

4.The learned Government Advocate (Crl.Side) had stressed that the interrogation of the present petitioner is very much required, since there is evidence of direct transfer of amount to the accounts either operated directly or indirectly by the petitioner herein. It is therefore stated that the petition should be dismissed.

5.The entire issue started with petitioner answering an advertisement in the matrimonial site which had been put up by the defacto complainant who wanted to give her life as second chance. The petitioner herein, was already married and also had a young child. He



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answered the said advertisement and it is the contention that the talks moved forward, but did not securing an alliance between the petitioner herein and the defacto complainant. Documents have been perused which shows that there has been direct transfer of amounts to the accounts which are said to be under the control of the petitioner herein. In that manner, there has been transfer to an account in the name of Equitas Small Finance Bank (Vinayagam Account). Vinayagam is the petitioner herein. Between 13.04.2020 and 02.11.2020, either to that particular account or to the account in ICICI Bank which is operated by the second accused, the brother of the defacto complainant had transferred total sum of Rs.27,70,000/-. It may be for business purposes, or it may be for the purpose of getting a job in Government , but, that there has been a transfer cannot be denied or disputed. It could have been done either by the defacto complainant by herself or through her brother, but the accused persons have benefited to a sum of about Rs.27,00,000/- from the defacto complainant or her brother directly.

6.Earlier petition seeking anticipatory bail was dismissed on



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10.01.2024 in Crl.O.P.No.27667 of 2023.

7.It is stated that subsequently there has been substantial repayment of money. **The balance amount is undertaken by the petitioner to be repaid within a period of one month from the date of executing sureties.**

8.Recording that particular undertaking, I am inclined to grant anticipatory bail to the petitioner. **If the balance amount is not paid on or before 31.05.2024, the defacto complainant is at liberty to file a petition seeking cancellation of this order.**

9.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 Additional Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Chennai, 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



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation..

[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]**.

C.V.KARTHIKEYAN, J.

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

24.04.2024

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