



CrI.OP.No.3935 of 2024

CrI.O.P.No.3935 of 2024

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**C.V.KARTHIKEYAN,J.**

The Petitioner/A18 in Crime No.603 of 2023 registered by the Respondent Police for the offences under Sections 120B, 419 and 420 IPC, seeks anticipatory bail.

2. The learned counsel for the Petitioner stated that the Petitioner is in no way connected with the alleged offence and he is not a named Accused in the First Information Report. He also stated that only on confession statement, he has been arrayed as an Accused in this case. Thus, he prays for grant of anticipatory bail to the Petitioner herein.

3. The learned Government Advocate (Criminal Side) stated that there are totally twenty Accused persons in this case. It is stated that out of twenty, 16 Accused persons had been arrested and some of them had granted bail and some of them are still in custody and one of the Accused had detained under Tamil Nadu Act 14 of 1982. The modus



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operandi of all of the Accused persons is that, they promised that they would give new currency notes and in this manner cheated the victims, there is an earlier case registered against the Petitioner herein.

4. In the instant case, the Petitioner had lured the defacto complainant to part with a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) and when he brought the sum of Rs.50,00,000/- (Rupees Fifty Lakhs only), all the Accused persons, had surrounded him stating that they were police officials and took him in a car and left him away after taken away the cash. Out of the cash of Rs.50,00,000/- (Rupees Fifty Lakhs only), it is stated by the Respondent that Rs.45,00,000/- (Rupees Forty Five Lakhs only) had been recovered.

5. Insofar as the role of the Petitioner herein is concerned, it is on the confession of one of the Accused that the Petitioner had lent his car. In the confession, it had been stated that the Petitioner herein had taken the other Accused persons around in the car and they masqueraded as police officials. He had also stated that he was an Advocate. It is also



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very specifically stated in the counter statement that one of the Accused had paid the Petitioner a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only).

6. The earlier application seeking anticipatory bail was dismissed on 05.01.2024 in CrI.OP.No.28457 of 2023. It is seen that the investigation had proceeded to the substantial extent and some of the absconding accused have also been taken into consideration.

7. The learned counsel for the petitioner submitted that the petitioner would come forward to deposit a sum of Rs.3,50,000/- to the credit of the Crime number.

8. Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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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 Judicial Magistrate-I, Salem*** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 deposit a sum of Rs.3,50,000/- (Rupees Three lakhs and fifty thousand only) to the credit of Cr.No.603 of 2023 and on such deposit, the learned Judicial Magistrate-I, Salem may transfer the amount into fixed deposit earning interest and pass final orders on conclusion of trial.***



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[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 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.

Vv

**21.02.2024**



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