



Crl.O.P.No.9279 of 2024

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 417 and 506(1) of IPC, in Crime No.32 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is the President of Marudham Magazhir Self Help Group. The petitioner collected the amount of Rs.1,39,000/- from the member of this group, for which the petitioner did not remit the same in the bank. The further allegation is that the defacto complainant has lodged the complaint, and the respondent police enquired with her and collected a sum of Rs.39,000/- and the remaining amount of Rs.1,00,000/- is yet to be collected from the petitioner. 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



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implicated in this case. He would further submit that without prejudice his rights, he would ready to deposit some amount to the credit of Crime No.32 of 2024. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused colluded each other and swallowed the sum of Rs.1,45,000/- from the members of the Self Help Group. He further submits that the petitioner has no previous case pending against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the fact that the petitioner without prejudice his rights, ready to deposit some



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amount to the credit of crime No.32 of 2024, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 **District Munsif cum Judicial Magistrate, Needamangalam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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



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Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.32 of 2024, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on filing undertaking affidavit and proper identification and acknowledgment;

(c) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m, for a period of eight weeks;

(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



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Court himself as laid down by the Hon'ble Supreme Court
in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*;
and;

(g)if the accused thereafter absconds, a fresh FIR can
be registered under Section 229-A IPC;

16.04.2024

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T.V.THAMILSELVI, J.

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