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Crl.O.P.No.12330 of 2024

T.V.THAMILSELVI,J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 294(b), 506(1), 406, 420 of IPC, in Crime No.445 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioner along with other accused persons were running a chit fund, where the de facto complainant is not the subscriber to the chit but his wife joined in the Self Help Group, which was running by A-1, wherein the wife of the has joined in the said Group. While being so, A-1 approached the de facto complainant and informed that she has got some debt for buying home and hence she borrowed a sum of Rs.3,60,000/- from the de facto complainant. But after borrowing, she did not returned the money. On 28.06.2023, when the de facto complainant and his villagers asked the money from the petitioner and other accused, they abused him with

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filthy language and threatened with dire consequences. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Learned counsel further submitted that petitioner herein is ranked as A-5 and he is no way connected to the alleged offence and he is only residing near to the co-accused persons. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that accused persons were running a unregistred chit fund and nearly about Rs.50 lakhs was involved. He further submits that A-1 arrested, A-2 and A-3 were arrested and released on bail. Hence, he vehemently opposed to grant anticipatory

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bail to the petitioner.

5. According to the FIR allegation, the petitioner herein was standing with other accused on the date of occurrence and taking into consideration the facts and circumstances of the case and that investigation is almost completed, 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-II, Ulundurpet,*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, on which one must be blood surety, 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

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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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) **the petitioner shall appear before the respondent police on all alternative days at 10.30 a.m. for a period of two months;**

(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 Judge himself as laid down by the Hon'ble Supreme Court

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in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];***
and;

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

04.06.2024

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