

**CrI.O.P.No.14388 of 2024****T.V.THAMILSELVI, J.**

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420 & 506(2) of IPC in Crime No.145 of 2024, seek anticipatory bail.

2.The case of the prosecution is that there are four accused in this case, the petitioners herein are cited as A2 and A3. A1 and A4 are their son and daughter. The defacto complainant is a friend of petitioners' son/Hariharan and he is employed at Indian Bank under Sports quota, who canvassed the defacto complainant that there is a vacancy in the TNEB for the post of J.E. And if Rs.30,00,000/- is paid, he would secure the said Government job to the brother in law of the defacto complainant and he also stated that he secured several Government jobs to the job aspirants. On believing his words, 23.08.2021 the defacto complainant has paid Rs.8,00,000/- in the account of A1. The defacto complainant was also canvassed by the petitioners and their daughter who runs dog farm under the name and style of QUN KENNAL, based on their assurance, the defacto complainant has paid around Rs.19,99,000/- through account



transactions to the accounts of petitioners' daughter and other two persons from 23.08.2022 to 16.12.2022. Thereafter, the defacto complainant was not provided any employment to his brother in law as assured by the son of the petitioners/A1 and supported by the petitioners (A-2 & A-3) and their daughter/A4. The amount was also not returned to the defacto complainant. While he demanded his money back, A1 to A4 have threatened him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners submitted that they are innocent and they have nothing to do with the alleged offence and they have been falsely implicated in this case. The petitioners being the parents of A1 their names have been implicated in this case. They are unable to lead normal life despite the fact that the petitioners never received any amount from the defacto complainant and they are also not aware about the issue between the defacto complainant and their children. They are law abiding citizen and they are ready to furnish any kind of sureties, if they are released on bail. They undertake that they will not tamper or hamper the witnesses, the moment they release on anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (CrI.Side) appearing for the respondent vehemently opposed to grant anticipatory bail to the petitioners. A1 to A4 arrested. The first petitioners received a sum of Rs.3,00,000/- and the second petitioners received a sum of Rs.1,50,000/-.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Kangayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common sureties, each for a like sum to the satisfaction of the respondent/police or the police officer, who intends to arrest the petitioners, 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 petitioners 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 petitioners are directed to deposit a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only) to the credit of Crime No.145 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 amount on filing undertaking affidavit and proper identification and acknowledgment;

(c) the final order in respect of the said deposit shall be passed by the learned trial judge at conclusion of trial;

(d) the petitioners shall appear before the respondent police as and when required;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the



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learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

26.06.2024

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