



Crl.O.P.No.15419 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 365, 392 of IPC @ Sections 365, 395 and 506(ii) of IPC, in Crime No.60 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 20.02.2024, while he was going to purchase groceries, some one hit on his back side of the head pulled inside a car. There are four people in the car and asked the defacto complainant's phone lock pin and Google pay pin of HDFC and SBI accounts. The further allegation is that the accused had taken money from his UPI payment application and also from ATM. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as



Crl.O.P.No.15419 of 2024

alleged by the prosecution. He further submits that neither their names are included in the FIR nor the complaint given by the defacto complainant but a false case has been foisted against them with an ulterior motive. 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 the petitioner took away the money from the defacto complainant's accounts through UPI payment in HDFC and SBI Bank accounts for around Rs.3,00,000/- and the same has not yet been recovered. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioners are prepared to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each, to the credit of crime No.60 of 2024 and also submitted that the petitioner has no



CrI.O.P.No.15419 of 2024

objection in the amount being released in favour of the de-facto complainant.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the petitioner without prejudice to their rights are volunteered to deposit a sum of Rs.1,00,000/-, each to the credit of the Crime Number, 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 (15) days from the date of receipt of a copy of this order before the *learned District Munsif cum Judicial Magistrate, Thiruporur*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1.00,000/- to the credit of Crime No.60 of 2024 before



Crl.O.P.No.15419 of 2024

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the learned Judicial Magistrate No.I, Chengalpattu, within three weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police daily 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



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Crl.O.P.No.15419 of 2024

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.

02.07.2024

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