



Crl.O.P.No.17913 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest for the alleged offences punishable under Sections 120(b), 406, 420, 294(b) and 506(ii) of IPC, in connection with Crime No.353 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that A1 and A2 induced the defacto complainant to invest a sum of Rs.20,00,000/- (Rupees Twenty Lakh only) in their own business through their bank account and assured that they will repay the amount in piece and bits within 6 months time and they have assured and made him to believe that they will give joint account bank cheque leaf to him. Subsequently, they told him to deposit the said money in A3's bank account and as he does not know A3. A1 gave surety and guarantee and made him to believe with their words of desire and he deposited in A3's account Rs.5,00,000/0 in the month of March 2022 and Rs.15,00,000/- in the month of May 2022 and A1 and A2 have returned small amount to him only for three months and stopped



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returning his amount from July 2022 when he asked his money back A1 and A2 abused him with filthy language and gave life threat to his and his family members and they told him that if he gives complaint regarding this they will not return his money. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he has been falsely implicated in this case and is in no way connected with the alleged offense made by the prosecution. He also submitted that she has not received any amount and has not cheated the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that her husband/A3 received a sum of Rs.20 lakhs, out of which he transferred a sum of Rs.2 lakhs to A1. A3 and the petitioner are husband and wife, and they are still absconding, with no recovery made from them. Furthermore, the defacto complainant submitted a statement detailing the dates he sent amounts to A3's account. According to the petitioner, A4 has nothing to do with the amount received by her



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husband. However, both were living together, and the prosecution also contends that she shared in the amount, which requires investigation. So far, no recovery has been made, and A3 is not arrested, as he is still absconding.

5. The learned counsel for the Intervenor raised an objection to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.353 of 2024 within a period of four weeks from the date of this order**, on such deposit, 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*



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Judicial Magistrate, Thiruporur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 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 report before the respondent as and when required for interrogation;

[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 has been imposed and the petitioner is 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]***; and;



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[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

[g] if the petitioner fails to comply the order, the anticipatory bail granted to the petitioner is automatically cancelled. The order to be executed within a period of four weeks from the date of this order.

01.08.2024

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