



Crl.OP.No.19563 of 2024

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P.DHANABAL, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506 (i) of IPC in Crime No.159 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had given a sum of Rs.6,50,000/- to the petitioners for obtaining S.PASS at Singapore for her elder son, but the petitioners had arranged only work permit visa, thus, the elder son was deported from Singapore. Hence, the defacto complainant sought for return of money and at the village conciliation, it was agreed by the petitioner for returning a sum of Rs.4,75,000/- and the petitioners had paid Rs.1 lakh on the same day and later denied for repayment and abused the defacto complainant with filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would contend that they have been falsely implicated by the respondent police in the case. It is the dispute between the travel agent at Pudukottai and the defacto



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complainant and the petitioners have nothing to do with the alleged commission of offence. Hence, seek anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) contended that there is a money dispute between the petitioners and the defacto complainant, the petitioners had also paid a part amount to the defacto complainant. When the balance amount was sought to be repaid, the petitioners have abused the filthy language and dire consequences. He further submitted, investigation is going on and there is no previous case pending as against the petitioners and thus, vehemently opposed the grant of anticipatory bail to the petitioners.

5. Considering the rival submissions made by either side and the fact that a part payment has already been made to the defacto complainant as set out in the FIR and also considering the charges levelled against the petitioners and there is no previous case pending as against the petitioners and also there is a money dispute pending between the parties, this Court is inclined to grant anticipatory bail to the



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petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered 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 District Musif Cum Judicial Magistrate, Needamangalam, Thiruvarur District, on condition that the petitioners shall execute a separate 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, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10:30 am until further orders.

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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A of IPC.

16.08.2024

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