Crl.O.P.No.26328 of 2024

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 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 during co-vide pandamic period the 1st accused and his wife, namely the 2nd accused enticed and insisted upon him to invest Rs.20 lakhs representing as if they were doing self-employment assuring that the same shall be earned with good returns in 6 months. Believing such assurance by the 1st accused, the de-facto complainant was ready to deposit the said Rs.20 lakhs into the account of the 1st accused. However, the 1st accused asked the defacto complainant to deposit the said amount into the petitioner's bank account / 3rd accused as the bank account of the 1st accused was facing some problems. Subsequently, as requested by the 1st accused, the

deposited amounts were transferred into the bank account of one Mohan Babu and as either directly or indirectly he has not involved in any offence as per FIR. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that A3 received a sum of Rs.20 lakhs, out of which he transferred a sum of Rs.2 lakhs to A1. He further contended that he shared amount to other accused, which requires investigation. So far, no recovery has been made, and he is still absconding.

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

6. Accordingly, the petitioner shall deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.353 of 2023 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 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, out of which one surety shall be a blood related 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 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 on every Wednesday 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 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;

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

07.11.2024

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