



Crl. O.P. No.20790 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420 and 506(i) of IPC in connection with the Cr. No.419 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner cheated the defacto complainant under the guise of sending to abroad for job and received cash to the tune of Rs.60,000/-, but he failed to send the defacto complainant to abroad as promised and also not repaid the amount received from him and the petitioner has also cheated 35 other persons. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely arrayed as an accused in this case, that he has not committed any offence as alleged by the prosecution, that in fact, this petitioner never received any amount from the defacto complainant and that there is no previous case pending against this petitioner. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that this petitioner is A1 and he along



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with other accused A2 have cheated the defacto complainant under the guise of sending the persons to abroad for job purpose and they have cheated more than 35 persons, that investigation is at initial stage and hence he strongly objected for the grant of anticipatory bail to the petitioner. However, he admitted that no previous case is pending against this petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the arguments putforth on either side, considering the fact that there is no previous case pending against this petitioner, that even as per the FIR, money was given only to the co-accused and also considering the nature of offences and allegations charged against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sankarapuram** on condition that the petitioners shall execute



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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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on everyday at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.



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To

- 1.The Judicial Magistrate, Sankarapuram
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Sankarapuram Police Station, Kallakurichi District.

P.DHANABAL,J
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