



Crl.O.P.No.25241 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420 IPC in Crime No.73 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submits that the allegation against the petitioner is that, he acquired a sum of Rs.10,00,000/- from the defacto complainant's father on the promise of getting Central Government Job. He further submits that the petitioner is no way connected with the cheating. Other accused persons viz., A1 and A2 had cheated the amount of the defacto complainant. Hence, he seeks anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor submits that the investigation is going on and the other accused viz., A1 was absconding, A2 was arrested and released on bail and the petitioner is also absconding. Hence, he opposed this petition for grant of anticipatory bail to the petitioner.



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4. In reply to the submission, the learned counsel for the petitioner submits that the specific allegation against the petitioner is that this petitioner and the defacto complainant's father had handed over a sum of Rs.50,000/- to one Periyasamy [A2]. There is no other specific allegations to show that he received the remaining sum. Earlier anticipatory bail petition in Crl.O.P.No.18867 of 2023 was dismissed on 21.09.2023.

5. Considering the nature, facts and circumstances of the case and the learned counsel for the petitioner is now submits that the petitioner prepared to deposit Rs.50,000/- in the Court deposit, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 Judicial Magistrate Court, Thittagudi** on condition that the petitioner shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a like sum to



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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 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 petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand Only) in Crime No.73 of 2023 within a period of two weeks before the concerned Magistrate at the time of executing the bond; The Magistrate is directed to pass appropriate orders on this amount after conclusion of the trial. It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness 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 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.

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