



**Crl. O.P. No.27343 of 2024**

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**P. DHANABAL.J.,**

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420, 506(i) of IPC in connection with the Crime No.102 of 2014, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant visited one temple in Salem, where he came to know about the petitioner and other accused, who could perform poojas and mantras to alleviate his financial troubles. Trusting them, he paid Rs. 22,00,000/-, but no treasure was found. On realizing the fact that, he was cheated, he lodged complaint against the petitioner and other accused. Hence the case.

3. The learned counsel for the petitioner would contend that a false case has been registered as against the petitioner. The petitioner's father was arrayed as accused, now the petitioner has been arrayed as one of the accused on the basis of withdrawal of Rs.5000/- from an ATM using the petitioner's own ATM card and he has not committed any offence as



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alleged in the FIR, that he is an innocent and he would abide by any condition imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that petitioner and other accused deceived the de-facto complainant by promising to unearth a treasure from his residence, resulting in a financial loss of Rs.22,00,000/-. Based on the complaint given by the de-facto complainant, this case has been registered against the petitioner. The learned Government Advocate appearing for the State, however, admitted that there is no any previous case pending against the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence involved in this case, considering the fact that already there is money transactions between the parties and also considering the fact that there is no any previous case pending against this petitioner and the FIR was registered in the year 2014 but so far, no steps have been taken by the respondent police to secure the accused, I am inclined to



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grant anticipatory bail to the petitioner subject to the following conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **District Munsif Cum Judicial Magistrate, Neyveli** 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 learned Magistrate concerned and on further condition that:

**[a] the petitioner shall report before the respondent police daily at 10.00 a.m. for 30 days;**

[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 him 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;



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[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

**30.10.2024**

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To

- 1.The District Munsif Cum Judicial Magistrate, Neyveli
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Mantharakuppam Police Station.



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