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Crl.O.P.No.1281 of 2024

Crl.O.P.No.1281 of 2024
and
Crl.M.P.No.2438 of 2024
C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C in Crime No.9 of 2023, seek anticipatory bail.

2. It is stated that there are totally two accused and they had business transaction with the defacto complainant. It is stated that the total due amount payable by the petitioner to the defacto complainant is Rs.5.35/- crores out of which 1.10 crores was paid by the petitioner.

3. The learned Government Advocate(crl side) appearing for the respondent submitted that the other accused is absconding.

4.However, taking all the other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner, **directing the petitioner to deposit an amount of Rs.10,00,000/- (Rupees Ten lakhs only) to the credit of Crime No.9 of 2023 before the learned Judicial Magistrate No.I, Sirkazhi.**

5.Accordingly, the petitioner is ordered to be released on bail



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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 learned **Judicial Magistrate No.I, Sirkazhi** 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 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation.

[c] The petitioner is directed to deposit an amount of Rs.10,00,000/- (Rupees ten lakh only) to the credit of Crime No.9 of 2023 before the learned **JuJudicial Magistrate No.I, Sirkazhi** . On such deposit being made the **Judicial Magistrate No.I, Sirkazhi** may transfer the same to any fixed deposit account in one of the nationalised bank and the amount should be retained in the bank account till the date of final order. If the



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petitioner is convicted the said amount may be returned to the defacto complainant with interest. If the defacto complainant is acquitted the said amount may be returned to the accused with interest.

[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 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 229A IPC.

The above miscellaneous petition is allowed.

15.02.2024

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