



Crl.O.P.No.28814 of 2023

Crl.O.P.No.28814 of 2023

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioners/A1 & A2 seek anticipatory bail in Crime No.361 of 2023 registered by the respondent Police for the offences punishable under Sections 406, 420 & 468 of IPC.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) appearing on behalf of the respondent.

3. It is the specific case of the prosecution that the petitioners herein, had held out that they would be able to get a job in the Railways to the defacto complainant and accordingly had received a sum of Rs.21,00,000/-. Very specifically it is stated that the 1st petitioner/A1 had received a sum of Rs.6,00,000/- and the 2nd petitioner/A2 had received a sum of Rs.15,00,000/- . It is stated that a sum of Rs.3,00,000/- alone had been returned back. The learned counsel for the petitioners states that a sum of Rs.9,00,000/- had been returned to the son of the defacto complainant by bank transfer. That is an issue which will have to be examined during trial.



Crl.O.P.No.28814 of 2023

WEB COPY

4. The earlier application seeking anticipatory bail in Crl.O.P.No.23531 of 2023 was dismissed on 06.11.2023.

5. The learned counsel for the petitioners stated that a sum of Rs.5 lakhs is due and they have come forward to deposit a sum of Rs.1 lakh to the credit of Crime No.361 of 2023 to exercise bona fide.

6. Counter has been filed by the respondent stating that the matter is under investigation and that the petitioners who would tamper with the evidence. It is also stated that the amount will have to be recovered from A1 and A2, which the petitioners had come forward to deposit.

7. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are 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 **V Metropolitan Magistrate Court, Egmore**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees



Crl.O.P.No.28814 of 2023

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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders. Additionally, the petitioners are directed to deposit jointly Rs.1 lakh on or before 31.03.2024 and to deposit further sum of Rs.1 lakh on or before 15.04.2024. On such deposit, the learned V Metropolitan Magistrate Court, Egmore may hand over the aforesaid amount of Rs.1 lakh to the defacto complainant.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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



CrI.O.P.No.28814 of 2023

WEB COPY

[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 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 229A IPC.

23.01.2024

rjr



WEB COPY



CrI.O.P.No.28814 of 2023

C.V.KARTHIKEYAN, J.

rjr

CrI.O.P.No.28814 of 2023

23.01.2024