



Crl.OP.No.29115 of 2023

Crl.O.P.No.29115 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Cr.No.73 of 2023 registered by the respondent police for the offence punishable under Section 66D of the Information Technology Act, 2000 r/w Sections 419 and 420 of IPC.

2. It is the case of the prosecution that this petitioner had made arrangements for travel to Thailand to the family members of the defacto complainant and collected money, but, the defacto complainant or his family members never went to Thailand and the trip was never organized. A complaint was lodged for return of the money.

3. It is stated by the learned counsel for the petitioner that the petitioner had returned back a sum of Rs.1,20,000/-, but, still there is some outstanding due. It could also be interpreted as case of deficiency in service of the travel agency.



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4. Taking all the factors into consideration and the fact that the petitioner had bonafide repaid the portion of the amount, , this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

5. 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 *learned Chief Judicial Magistrate, Puducherry* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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



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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.30,000/- to the credit of Cr.No.73 of 2023 and the learned Chief Judicial Magistrate, Puducherry, may transferred it to the fixed deposit which earns interest and on conclusion of trial if the petitioner is acquitted returned by the amount together with interest to the petitioner , but if the petitioner is convicted handed it over together with accrued interest to the defacto complaint .

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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[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.

22.01.2024

Vv



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