



Crl.O.P.No.29094 of 2023

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C.V.KARTHIKEYAN, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 34, 406, 419, 420, 468 and 506(ii) of IPC in Crime No. 237 of 2023, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners were introduced with the defacto complainant by the first accused for the purpose of obtaining college seat at NIT at Trichy. It is stated that the defacto complainant paid a sum of Rs.7,81,600/-. Since the seat was not given and money was also not returned, the complaint was lodged leading to registration of First Information Report.

3. It is stated by the learned counsel for the petitioners that the petitioners had returned back a sum of Rs.1,68,000/- and that fact was also verified by the learned Public Prosecutor, Puducherry.

4. In view of these surrounding circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 learned Judicial Magistrate No.III, Fast Track Court at Saidapet, Chennai, on



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condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 this Court 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 appear before the respondent police as and when required for interrogation.

[c] the petitioners are directed to deposit a sum of Rs.1,00,000/- to the credit in Cr.No. 237 of 2023 and on such deposit, the learned Judicial Magistrate No.III, Fast Track Court at Saidapet, Chennai, may hand it over to the defacto complainant. It is made clear that such deposit would not indicate that the petitioners admit to any of the allegations. The defacto complainant is also at liberty to claim any further damages or compensation in manner known to law.

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

[e] the petitioners 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 petitioners 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.02.2024

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