

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,
Vacation Sessions Judge, Theni,

Dated this the 14th day of May 2024

CrI.M.P.No.73/2024

CNR.No.TNTH00-0000078-2024

Manimaran

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

P.C.Patty P. S. in

Cr.No.484/2023

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. J. Anandhan, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows:

The petitioner and co-accused under the guise of getting Government Job to the complainant's son, cheated him to the tune of Rs.7,00,000/-. Therefore the case registered against him U/s. 420, 406 of IPC.

3. Heard both sides.

4. The points for determination is that can anticipatory bail be granted to the petitioner?

Answer :

5. The FIR transpires that the petitioner and co-accused under the guise of getting Government Job to the complainant's son, cheated him to the tune of Rs.7,00,000/-. Whereas the complainant appeared before this Court during hearing of bail and submitted his affidavit. In his affidavit, he stated that as they compromised the matter out of Court, he has no objection for release the petitioner on bail. Considering the affidavit of the complainant that he has no objection for granting bail to the petitioner and other circumstances of the case, I inclined to release the petitioner on anticipatory bail with stringent condition.

6. Therefore it is ordered that in the event of his arrest by the Respondent or on his surrender before the Learned Judicial Magistrate at Theni within 15 days from the date of this order, he shall be released on anticipatory bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum. Following conditions are imposed on the petitioner :-

i) The petitioner shall appear before the SHO P.C.Patty Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 30 days after his release on anticipatory bail and thereafter appear before the Investigating Officer as and when required.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

..3..

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 14th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Theni.
The Public Prosecutor, Theni.
The Petitioner's through his Counsel.
The Inspector of Police, P.C.Patty