

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 28th day of May 2024

CrI.M.P.No.10/2024

CNR.No.TNTH00-0000010-2024

1. Rajangam

2. Pandiyammal

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

Thenkarai P. S. in

Cr.No.522/2023

... Respondent/Complainant

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

ORDER

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

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

The petitioners on their false promise to get Government Job in the District Collectrate of Theni, cheated the complainant and his son to the tune of Rs.5 lakhs. Therefore case registered against them U/s.406, 417 and 420 of IPC.

3. Heard both sides.

4. The points for determination is that can the petitioners be released on anticipatory bail?

Answer :

5. The records perused. The FIR would disclose that the petitioners cheated the complainant and his son to the tune of Rs.5 lakhs with a false promise to get Government Job in the Collectorate. The Learned counsel for petitioner submitted that the petitioners has already repaid Rs.3,96,000/- to the complainant. For the said effect he has also filed a memo. The prosecution has not made any objection in this regard. So it prima-facie shows that the petitioners repaid the amount defrauded. Having considered the fact that the petitioners repaid the amount of Rs.3,96,000/- to the complainant and other circumstances of the case, I inclined to release the petitioners on Anticipatory Bail with stringent conditions.

6. Therefore it is ordered that in the event of their arrest by the Respondent or on their surrender before the Learned Judicial Magistrate at Periyakulam, within 15 days from the date of this order, the petitioner shall be released on anticipatory bail on their each 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 petitioners :-

i) The petitioners shall appear before the SHO of Thenkarai Police Station daily at 10.00 a.m., and 5.00 p.m., untill further orders.

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

iii) The petitioners 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).

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

Pronounced by me in open Court on this the 28th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Periyakulam
The Public Prosecutor, Theni.
The Petitioner's through their Counsel.
The Inspector of Police, Thenkarai.