



Crl.O.P.Nos.15221 & 15343 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner in both Criminal Original Petitions, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 409, 420, 120(b) of IPC in Crime Nos. 1292 & 1293 of 2021, seeks anticipatory bail.

2. There are totally two accused. The petitioner is arrayed as A2. The case of the prosecution is that the petitioner and other accused were running unregistered chit and cheated the defacto complainant to the tune of Rs.6,99,000/-. The petitioner collected the amount from the defacto complainant and handed over to A1. Thereafter, A1 refused to return back the amount to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays to grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that there are totally two accused involved in this case. The petitioner is arrayed as A2. A2 is friend of A1. A1 running unregistered chit and cheated a sum of Rs.6,99,000/-. The petitioner introduced the defacto complainant to A1. Based on the false promise, the defacto complainant gave the amount to A1. Thereafter, A1 failed to repay the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioner does not require in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

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

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

[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 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]**.



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

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