



Crl.O.P.No.17578 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.266 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 received a sum of Rs.3,50,000/- from the defacto complainant under the guise of gaining profit. Thereafter, no amount was paid to the defacto complainant, thereby cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 received a sum of Rs.3,50,000/- from the defacto complainant and the same was transferred to the account of A3. Thereafter, no amount was



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returned back to the defacto complainant, thereby the petitioners cheated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally 5 accused in which the petitioners are arrayed as A4 and A5. Even according to the case of the prosecution, A1 received a sum of Rs.3,50,000/- from the defacto complainant by assuring that the said amount will be invested in a business and profits will be shared. After the receipt of the said amount, no amount is paid as profit and cheated the defacto complainant. As far as the petitioners are concerned, they are the friends of A1 and A2. A1 was already arrested and released on bail.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 XIV Metropolitan Magistrate Court, Egmore, Chennai, on condition that each



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of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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]**.



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

27.07.2022

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