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CrI.O.P.No.19193 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 I.P.C. in Crime No.810 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A1. It is alleged that A1 is the owner of the firm viz., Janani Traders and A2 is his wife and further, the petitioners were doing cashew nuts business. The defacto complainant sent a total amount of Rs.46,99,000/- to the petitioners account towards the purchase of cashew nuts, but the petitioner failed to supply the same. In the said circumstances, a criminal case was registered against the petitioner.

3. The learned counsel for the petitioner would submit that during the business transaction, the alleged occurrence said to be taken place, but



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he is having sufficient material to show that he is not liable to pay the amount as alleged by the defacto complainant. He would also submit that this is the third petition praying for anticipatory bail and he is ready to comply with any condition imposed by this court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that though the defacto complainant has paid a sum of Rs.46,99,000/- towards the purchase of cashew nuts, the petitioner failed to supply the materials. He would further submit that as the huge amount involved, he may tamper the evidence and the investigation is almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the fact that the investigation was almost completed and considering the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 made ready, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that **the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) before the trial court within 2 weeks from the date of this order and the defacto complainant is directed to withdraw the amount on filing undertaking affidavit** and the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety shall be blood relative of the petitioner, 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



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copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m. until further orders.

[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]**.

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



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