



Crl.OP.No.20403 of 2022

Crl.O.P.No.20403 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 406, 420, 506(ii) IPC in Crime No.67 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a Travels named "M.R.M Travels". While so, the petitioners approached the defacto complainant for the availability of 20 buses for the purpose of transportation and the defacto complainant accepted to handed over 14 buses to the petitioners. The total fare for operating the 14 buses from Chennai to Uttar Pradesh and Bihar and return back to Chennai is cost Rs.30,30,500/-. However, the petitioners had only paid a sum of Rs.15,00,000/- to the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A1 and A2. They have not committed



Crl.OP.No.20403 of 2022

any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted the defacto complainant handed over 14 buses to the petitioners for the purpose of transportation and the total fare for operating the buses amounts to Rs.30,30,500/-. However, the petitioners paid only a sum of Rs.15,00,000/- and refused to pay the remaining amount. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Mr.M.Mohammed Saifulla, learned counsel appearing for the defacto complainant would submit that the petitioners have cheated the defacto complainant under the breach of trust and the expenses for the transportation was totalling to the tune of Rs.30,30,500/-, however the petitioners only returned a sum of Rs.5,00,000/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



Crl.OP.No.20403 of 2022

WEB COPY

6. Considering the facts and circumstances of this case and the business transactions between the accused persons and the defacto complainant, this Court finds that the custodial interrogation of the petitioners need not require. Hence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 learned Metropolitan Magistrate-V, Egmore on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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



CrI.OP.No.20403 of 2022

identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two 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]**.

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

01.09.2022

Anu



WEB COPY



Crl.OP.No.20403 of 2022

G.K.ILANTHIRAIYAN, J.

Anu

Crl.O.P.No.20403 of 2022

01.09.2022