



Crl.OP.No.20792 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 409 & Section 420 IPC in Crime No.12 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is running a garment company lodged a complaint before the respondent police alleging that the petitioners are doing export garments work. While so, the petitioners approached the defacto complainant for supply of the garment materials and subsequently refused to pay the amount. It is alleged that the petitioners were supplied with the materials to the tune of Rs.24,90,000/-.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would



Crl.OP.No.20792 of 2022

further submit that the first petitioner has filed a suit in O.S.No.697 of 2021 before the learned Principal Sub Court, Tiruppur and the same is pending. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the allegation against the petitioners is that they have cheated the defacto complainant by receiving the garment materials to the tune of Rs.24,90,000/- and refused to pay the said amount. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case and taking into account that it is a case of business transaction and there is a suit pending in O.S.No.697 of 2021 before the learned Principal Sub Court, Tiruppur, 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:-



Crl.OP.No.20792 of 2022

WEB COPY

6. 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 Judicial Magistrate-I, Tiruppur 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 identity.

[b] the petitioners shall report 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.



Crl.OP.No.20792 of 2022

G.K.ILANTHIRAIYAN, J.

Anu

[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

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Crl.O.P.No.20792 of 2022