



Crl.O.P.No.20469 of 2022

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WEB COPY **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 IPC in Crime No.266 of 2022, seeks anticipatory bail.

2. It is seen that there are totally five accused, in which the petitioner is arrayed as A3. The case of the prosecution is that 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. However, after the receipt of the said amount, no amount is paid as profit and cheated the defacto complainant. As far as the petitioner is concerned, he is the friend of A1 and A2. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that A4 and A5 were granted anticipatory bail by this Court in Crl.O.P.No.17578 of 2022. However, the petitioner is ready and willing to return the amount. Hence, he prays for grant of anticipatory bail to the



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petitioner.

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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 the petitioner. Therefore, no amount was returned back to the defacto complainant. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the defacto complainant by way of Demand Draft within a period of four weeks and on such payment and production of acknowledgment, 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 XIV Metropolitan Magistrate Court, Egmore,



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Chennai, on condition that the petitioner 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 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 pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the defacto complainant by way of Demand Draft.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

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



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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st 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]**.

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

01.09.2022

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