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Crl.OP.Nos.20535 & 20396 of 2022

Crl.O.P.Nos.20535 & 20396 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 406, 420, 506(i) IPC r/w 34 IPC in Crime No.128 of 2022 on the file of the respondent police, seek anticipatory bail.

2. There are totally four accused in this case, in which the petitioners in both Crl.O.P's are arrayed as A1 & A2 respectively. The case of the prosecution is that the defacto complainant, who is the owner of M/s.Saravana Garments, lodged a complaint against the petitioners and others alleging that they have purchased the garment materials from the defacto complainant and cheated to the tune of Rs.93,19,466/-.

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 further submit that the accused purchased textile from the defacto



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complainant's company through the purchase invoices and she settled the amount through bank transaction. Further, the petitioner in Crl.O.P.No.20396 of 2022 has paid an amount of Rs.5,33,000/- to the defacto complainant. However, on instruction, they further submitted that the each of the petitioners are ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.128 of 2022, without prejudice to their right of defence. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that petitioners and others are alleged to have purchased the garment materials from the defacto complainant and cheated to the tune of Rs.93,19,466/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels appearing for the defacto complainant in both the Crl.O.P's.



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6. In view of the above submissions, it evident that this is a case based on business transaction. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, each of the petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), without prejudice to their right of defence, to the credit of Crime No.128 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned CCB-CBCID, Special Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a separate 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:



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[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 deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.128 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner in Crl.O.P.No.20535 of 2022 shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation; the petitioner in Crl.O.P.No.20396 of 2022 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.

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

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

[g] 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



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himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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