



Crl.O.P.No.21328 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 420 and 406(ii) IPC, Crime No.95 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners in the guise of arranging loans, have collected advance amount and thereby cheated the defacto complainant to the tune of Rs.9 lakhs. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the first petitioner is the Government servant working as a Driver in the Tamilnadu State Transport Corporation Ltd., Villupuram, and the second petitioner is the wife of the first petitioner, who was running a Women Sel-Help Group and due to some financial disputes, a false complaint has been given. He would further submit that the



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petitioner's in order to prove their bonafide, ready and willing to deposit the original title deed documents worth about Rs.10 lakhs of immovable property before the concerned Court and they are ready to abide by any stringent condition imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners in the guise of arranging loans, have received money from the several subscribers to the tune of Rs.9 lakhs and above. He would further submit that the investigation is still going on and he would oppose for grant of anticipatory bail.

5. At this juncture, the learned counsel for the petitioners would submit that the case has been registered on the basis of a direction from the learned Judicial Magistrate, Ambattur, under Section 156(3) Cr.P.C and the case has been registered as early as on 04.02.2022 and the petitioners have already appeared for enquiry.



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6. Taking into consideration and the petitioners have voluntarily agreed to deposit the title deeds of immovable properties worth about Rs.10 lakhs before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are directed to be released on bail in the event of his 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, Ambattur**, on condition that the petitioner shall execute a separate 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



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

[b] each of the petitioners shall deposit original title deeds pertaining to the immovable property not less than the worth of Rs.10 lakhs, belonging to the petitioners or their relatives or their friends before the concerned Court.

[c] the petitioners shall report before the respondent police on everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

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