



Crl.O.P.No.22308 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 offences punishable under Sections 406, 417, 420, 506(i) and 120(b) of IPC in Crime No.13 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 and A2 who are the employees of the Port Trust along with their family members induced the defacto complainant and on the assurance of obtaining a job, received a sum of Rs.8 lakhs and cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been unnecessarily roped into this case, since because they happened to be the wife and sons of A1. He would further submit that the main allegations are against A1 but the petitioners were unnecessarily harassed. He would also submit that the petitioners understand that A1 has borrowed an amount of Rs.2 lakhs from the defacto complainant, who is an usurious money lender and



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despite A1 having repaid the amount, he has lodged a complaint before the respondent. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioners are family members of the main accused. The main accused and the petitioners induced the defacto complainant and cheated a sum of Rs.8 lakhs. He would further submit that the main accused is still absconding. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard both the learned counsels and perused the materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners are only wife and children of the main accused, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners ordered to be released on bail in



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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 No.I, Thiruvallur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[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 absconds, a fresh FIR can be registered under Section 229A IPC;

**15.09.2022**

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**A.D.JAGADISH CHANDIRA, J.**

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