



Crl.O.P.No.22347 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, 420 and 506(i) of IPC in Crime No.298 2022, seek anticipatory bail.

2. The case of the prosecution is that the accused who are neighbours to the defacto complainant, in the guise of conducting maangalya pooja, induced the defacto complainant and cheated her to the tune of Rs.1,40,000/- and 48 sovereign of jewels. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours. The first petitioner had borrowed a sum of Rs.1 lakh from the defacto complainant and in respect of which, she has also signed certain documents and even after repayment of the amount, the defacto complainant refused to return back the documents, whereas she threatened the first petitioner for more money. Unable to bare the torture by the defacto complainant and her family members, the third petitioner has given a complaint to the



Crl.O.P.No.22347 of 2022

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respondent Police as early as on 18.08.2020 and the respondent Police had conducted the enquiry. Thereafter, to the surprise of the petitioners, the defacto complainant has given a false complainant and the case has been registered in Crime No.298 of 2022. He would further submit that even as per the complaint, the occurrence is said to have been committed on 01.11.2016 till 31.07.2020. Further, due to the financial dispute between the parties, the case has been exaggerated.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners and the defacto complainant are neighbours. The petitioners in the guise of doing good things to the family members of the defacto complainant, represented that they were conducting Poojas for the welfare and had received an amount of Rs.1,40,000/- and also taken 48 sovereign of jewels and cheated the defacto complainant. He would further submit that the investigation is still pending and hence, he would vehemently oppose for grant of anticipatory bail to the petitioners.



Crl.O.P.No.22347 of 2022

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

6.Taking into consideration the facts and the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7.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 XXII Metropolitan Magistrate, Egmore, on condition that each of the petitioners 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:



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CrI.O.P.No.22347 of 2022

[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 first petitioner shall report before the respondent Police as and when required for interrogation and the petitioners 2 and 3 shall report before the respondent Police daily at 10.30 a.m, for a period of four 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;

[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



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Crl.O.P.No.22347 of 2022

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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Crl.O.P.No.22347 of 2022

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Crl.O.P.No.22347 of 2022

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