



Crl.O.P.No.23110 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 offence punishable under Sections 294(b), 420, 406 and 506(ii) of IPC in Crime No.8 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner who is running a petrol bunk in the name and style of “Maruthi Agencies” had induced the defacto complainant and on the promise and assurance of joining him as partner, both petitioners had taken an amount of Rs.44,87,000/- from the defacto complainant and cheated him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the wife and the second petitioner is the husband. They have obtained license from the Indian Oil Corporation and they are running a petrol bunk in the name and style of “Maruthi Agencies”. During Covid-19, they have suffered financial loss and they have



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borrowed money from the defacto complainant who is a money lender and other than that they have not given any promise or assurance to the defacto complainant to induct him as partner in their business. Whereas the petitioners have repaid the amount with usurious interest and the defacto complainant is threatening the petitioners for more amounts and with the help of Police, he has given a false complaint and under the threat of arrest, attempting to recover more amounts from the petitioners. He would further submit that the petitioners are well placed in the society and to show their bonafides, they are ready to jointly deposit title deeds of documents of immovable property worth Rs.20 lakhs. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have induced the defacto complainant and made him invest and thereafter they have cheated to the tune of Rs.44,87,000/-. Thereby, he vehemently opposed for grant of anticipatory bail to the petitioners.



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5.The learned counsel for the intervenor/ defacto complainant would vehemently oppose by stating that the petitioners who are the husband and the wife, had induced the defacto complainant and thereby made the defacto complainant believing that he would be inducted as a partner in the firm and received huge amounts and cheated him.

6.It is the admitted case of the petitioners that they have borrowed money from the defacto complaint for their business and to show their bonafides, they are prepared to deposit original title deeds of immovable properties. This Court is of the opinion that custodial interrogation may not be required.

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

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



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fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruppur, on condition that each of the petitioners shall execute separate 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 jointly deposit original title deeds of immovable property worth Rs.20 lakhs either belonging to themselves, relatives or friends.

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



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[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 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;

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