



CrI.O.P.No. 23089 of 2022

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A.D.JAGADISH CHANDIRA.J,

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(B) and 34 IPC in Crime .No. 160 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is the husband of the colleague, had induced the de-facto complainant and taken more than 45.2 sovereigns of gold and Rs.50,00,000/- of cash and cheated the de-facto complainant. Hence, a case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against the petitioner. He would further submit that the petitioner is known to the husband of the de-facto complainant and it is true that the petitioner had received an amount of Rs.3,00,000/- from the defacto complainant for purchase a plot. However, due to various other



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circumstances, the petitioner was unable to purchase the plot and return the money to the defacto complainant. After the death of her husband, a false case has been given against the petitioner. He would further submit without prejudice to his defence, he is ready to deposit a sum of Rs.6,00,000/- to the credit of Crime No.160 of 2022 and the petitioner has no objection to disburse the said amount to the de-facto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused induced the de-facto complainant and her husband and received 45.2 sovereigns of gold and Rs.50,00,000/- of cash and failed to repay the said amount and also return the jewels, thereby cheated the de-facto complainant. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and considering the age of the petitioner who is 86 years old and also the undertaking given by the petitioner that he is ready to deposit a sum of Rs.6,00,000/- to the credit of Crime No.160 of 2022, this Court is inclined to grant anticipatory



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bail to the petitioner with certain conditions.

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6. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Metropolitan Magistrate, (CCB Cases), Egmore**, 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 petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.



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[c] the petitioner shall deposit a sum of **Rs.6,00,000/- (Rupees Six Lakhs Only) to the credit of Crime No.160 of 2022** on the file of the Inspector of Police, Central Crime Branch-I, Team-37, Chennai within a period of four weeks. The learned Magistrate shall disburse the amount to the de-facto complainant on application being filed. Merely because the petitioner has deposited Rs.6,00,000/-, it would not amount to admission of his guilt.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.09.2022

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