



Crl.O.P.No.23983 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 420, 294(b), 323, 324 and 506(ii) IPC, in Crime No.485 of 2022, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant is one Kanaga; the petitioners, induced and purchased fishes from the defacto complainant to the tune of Rs.27 Lakhs and cheated her, when the defacto complainant demanded the said amount, the accused persons threatened and abused her in filthy language and also assaulted her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been foisted as against the petitioners. He would further submit that the first petitioner introduced



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one Rajan to the defacto complainant and there was business transactions between them. The said Rajan owe some money to the defacto complainant and since the defacto complainant is unable to recover the said amount from the him, the first petitioner has given cheques as security purpose, even then the defacto complainant has given a false complaint as against the petitioners.

4. The learned counsel for the petitioner would further submit that the second and third petitioners are wife and daughter of the first petitioner and they have also been unnecessarily roped in this case. However, he would submit that without prejudice, the petitioners, to show their bonafides, are prepared to deposit original title deeds of documents of immovable property worth of Rs.10 lakhs at the time of furnishing the sureties. Therefore, he prays for grant of anticipatory bail to the petitioners.

5. Per contra, the learned Government Advocate (Crl. Side) for



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the respondent police would submit that the petitioners induced the defacto complainant and purchased fishes to the tune of Rs.27 Lakhs and cheated her and when the defacto complainant demanded the said amount the petitioners threatened her and abused her in filthy language and also assaulted her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels and also taking note of the fact that the petitioners are ready to deposit original title deeds of documents of immovable property worth of Rs.10 lakhs at the time of furnishing the sureties, 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



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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 District Munsif Cum Judicial Magistrate – II, Chidambaram, 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 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 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 deposit the original title deeds of immovable property (either belonging to themselves, relatives or friends) worth about Rs.10,00,000/- (Rupees Ten Lakhs) to the credit of Crime No.485 of 2022 before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the first petitioner shall report before the respondent



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police daily at 10.30 a.m., until further orders and the second and third petitioners shall report before the respondent police daily at 10.30 a.m., for a period four weeks and thereafter, report before the respondent police on every Saturday at 10.30 a.m, until further orders.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness 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]*;

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

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