



Crl.O.P.No.23917 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 and 420 of Indian Penal Code, in Crime No. 86 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, the first accused in this case and the defacto complainant are business partners and they have created software development for their companies and for software sales. The resources and expenses were met by both the companies. The allegation is that the first accused had cheated the defacto complainant in company commissions and financial transactions. The petitioners who are family members of the first accused have aided and abetted the first accused and some of the transactions have been made in their account. Hence, the case.

3. The learned counsel for the petitioner would submit that a case of



business dispute has been projected as a case of cheating. He would further submit that the first petitioner is none other than the wife of the first accused and the second petitioner is their daughter and they have nothing to do with the alleged transaction between the parties which has been reported in this case and they have been unnecessarily roped into arm twist and settle by threat of arrest. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the first petitioner is the wife and second petitioner is the daughter of the first accused. Though, their names are not present in the FIR, some amount has been transferred to the account of these petitioners. However, he would submit that, main accused in this case has been granted bail by this Court in Crl.O.P.No.11075 of 2022.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the petitioners are 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, Ambattur** on condition that 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 report before the respondent police as and when required for interrogation.

[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



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[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.

18.10.2022

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