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Crl.O.P.No.24332 of 2022

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**SATHI KUMAR SUKUMARA KURUP, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.406, 420, 120(b) and 34 of I.P.C. in Crime No.160 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the husband of defacto complainant alive, A1 received a sum of Rs.20,00,000/- on a promise to purchase 5 plots in his name, however, he neither purchased the plots nor returned the money. After his demise, when she was under financial crunch, she approached A1 for return of money, which was received by him from the defacto complainant's husband. However, A1 sent A2 and A3/petitioner herein to receive money from her under the pretext of clearing the amounts, which were received from foreign Company and assured that on clearance of the said amount, he would repay the amount



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received from her husband. Believing the same, she had given gold jewels worth about Rs.50,00,000/- to them. After receipt of the said amount, they failed to return any of the amount received from her. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case. He would submit that he never received any amount from her and he never indulged in any illegal activities as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that there was money transaction between A1 and the defacto complainant's husband. Totally, there are 3 accused and the petitioner is arrayed as A3. Notices sent to A1 and A2 were returned and despite the receipt of notice, A3 has not given any reply. The accused have received a sum of Rs.20 lakhs as well as gold jewels worth about Rs.50 lakhs, thereby, totally a sum of Rs.72 lakhs was cheated by them. They had neither purchased any plots nor returned the amount to her and no one



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appeared before the respondent police for enquiry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,00,000/- (Rupees ten lakhs only) to the credit of Crime No. 160 of 2022** and on such deposit, the 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 for exclusive trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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



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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 petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders;**

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

[d] the petitioner shall not tamper with evidence or witness 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 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



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the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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

**06.10.2022**

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