



Crl.O.P.No.26140 of 2022

Crl.O.P.No.26140 of 2022

WEB C **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 406 and 420 IPC in Crime No.686 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the on the assurance of getting allotment of flats in the slum clearance board, the petitioners had received a sum of Rs.45,00,000/- on behalf of 25 persons during the year 2016 and thereafter they cheated the de facto complainant by refusing to get allotment and also refusing the return of money received towards said allotment. Hence, the complaint was registered.

3. The learned counsel for the petitioners states that the petitioners are innocent persons and a case of financial dispute between the parties has been projected as a case of cheating. He would further submitted that the petitioners had borrowed a sum of Rs.10,00,000/- from the de facto complainant, who is a



money lender, during the year 2016 and the petitioners had also repaid an amount of Rs.5,00,000/-. Thereafter, the de facto complainant with rowdy elements compelled the petitioners and by force, the petitioner's wife was made to mortgage a valuable property, worth Rs.1 Crore, in favour of the de facto complainant on 01.04.2021 by registering the mortgage deed registered as Document No.5833 of 2021 at the office of the SRO, Ambatur. Suppressing the same, a false complaint has been given as if the amount was received by the petitioners on the assurance of getting allotment for de facto complainant relatives in slum clearance board.

4. The learned counsel for the petitioners would further submit that the very reading of the complaint would show that it is a false complaint and none of the so called beneficiaries are named in the complaint. He would also states that the complaint has been given by the de facto complainant to the respondents on 24.08.2022 and subsequently the de facto complainant has approached this Court in Crl.O.P.No.21921 of 2022 and pursuant to the order passed by this Court on 13.09.2022, the case has been registered by the



CrI.O.P.No.26140 of 2022

respondent with false averments and therefore he prays for grant of anticipatory

bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submits that the petitioners, in the guise of obtaining allotment in the slum clearance board, had received Rs.45,00,000/- from 25 persons and thereafter they have given bogus allotment orders to 5 persons. He would further submit that the investigation is still pending, however, the case has been registered based on the direction of this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsel on both sides and perused the materials available on record including registered mortgage deed dated 01.04.2021 executed by the wife of the petitioner in favour of the de facto complainant in respect of property in Ambattur.



CrI.O.P.No.26140 of 2022

7. Considering the facts and circumstances of this case, this Court is

inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail 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 **learned Judicial Magistrate, Ambattur**, on condition that each of the petitioners 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 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 everyday at 10.30 a.m, for a period of four weeks and thereafter every Saturday at 10.30 a.m, until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



CrI.O.P.No.26140 of 2022

WEB COPY

[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.

28.10.2022

nsa



WEB COPY



Crl.O.P.No.26140 of 2022

A.D.JAGADISH CHANDIRA, J.

nsa

Crl.O.P.No.26140 of 2022

28.10.2022

Page 6 of 6