



CrI.O.P.No.26863 of 2022

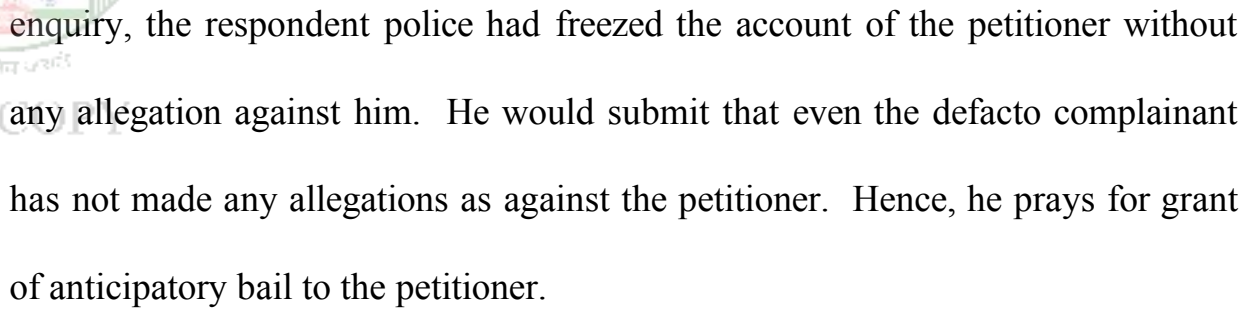
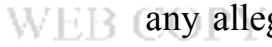
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A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 420 of IPC in Crime No.343 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant/Sivaramakrishnan is that he engaged in the business of textile. One Eswaran had approached him on 16.04.2022 and ordered for 15,300 pieces of Garments to the value of Rs.4,35,000/- and promised to pay at later date, thereafter he has not paid the said amount. On enquiry, the defacto complainant came to know that Eswaran had approached the textile company with an intention to cheat him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, he is no way connected with the alleged offence. The respondent/police had called Eswaran for enquiry and the petitioner had gone along with Eswaran for enquiry. He would submit that the petitioner is friend of Eswaran and other than that he is nothing to do with the alleged offence. During



4. The Government Advocate (Crl.side) would submit that A1/Eswaran had induced the defacto complainant and purchased the textile to the tune of Rs.4,35,000/- and later cheated him. The petitioner is the friend of Eswaran. He would submit that the investigation is pending.

5. Heard the learned counsels and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), as per the complaint there is no averment as against the petitioner, hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Avinashi, Tiruppur, on condition that the petitioner shall execute a separate 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 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.

[d] the petitioner shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW*

5560].

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

With the above directions, this Criminal Original Petition is ordered.

04.11.2022

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