



Crl.O.P.No.28639 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, 420 and 506(i) IPC, in Crime No.396 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ananthi is that the accused are known to her and in the guise of obtaining job in MTC, they had received a sum of Rs.5,15,000/- from the defacto complainant and they neither got her the job nor return the money and thereby they cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence. He would further submit that it is a case of money dispute which has been falsely projected as a case of job racketing. He would further submit that the defacto complainant is a usurious money



Crl.O.P.No.28639 of 2022

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lender and during the year 2017, the petitioners had borrowed a sum of Rs.4,50,000/- from the defacto complainant. Though the petitioners had repaid an amount of Rs.9,22,000/-, the defacto complainant harassed the petitioners and also under compulsion, taken a cheque for Rs.5,15,000/- from the defacto complainant. Based on which, a false complaint has been given. He would further submit that even prior to the complaint, the petitioners have sent legal notice on 07.10.2021 against the accused and only as a counter blast, a complaint has been given to the Judicial Magistrate, which has been referred under Section 156(3) Cr.P.C and the case has been registered. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioners, in the guise of obtaining job in MTC, had received a sum of Rs.5,15,000/-. He would further submit that the said case has been registered based on the direction issued under Section 156(3) Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioners.



CrI.O.P.No.28639 of 2022

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5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 the petitioners shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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.



Crl.O.P.No.28639 of 2022

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

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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;

29.11.2022
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Crl.O.P.No.28639 of 2022

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Crl.O.P.No.28639 of 2022

29.11.2022

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