



Crl.O.P.No.31022 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465 and 468 of IPC in Crime No.605 of 2022, seek anticipatory bail.

2.The case of the prosecution is that petitioners 1 and 2/A1 & A2 have requested a sum of Rs.28,36,879/- from the defacto complainant for bank surety to release the patent of their son/A3, who is the 3rd petitioner herein. At their request, the defacto complainant also given the said amount on various dates. However, they failed to repay the same. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are the close relatives of the defacto complainant and there was money transaction between them. He would also submit the petitioners 1 and 2 are senior citizens and they were taking care of their daughter, who is suffering from muscular dystrophy and she is bedridden. He would also submit that in the FIR, there is no allegation against the petitioners 3 and 4. The learned counsel, on instructions, would further submit that the



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petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.5,00,000/- (Rupees Five Lakhs Only) jointly** to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners 1 and 2 are husband and wife, the 3rd petitioner is their son and the 4th petitioner is a single mother living separately after divorce. He would also submit that the petitioners 1 and 2 have borrowed a sum of Rs.26,31,500/- from the defacto complainant, for which, they have executed a loan agreement. However, they failed to repay the amount. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case, 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**



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Magistrate - Ambattur on condition that each of the petitioners shall execute a bond for a separate 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 petitioners shall deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs Only) jointly** to the credit of the crime number within a period of three weeks from the date on which the order copy made ready, before the **learned Judicial Magistrate – Ambattur**, failing which, the anticipatory bail granted by this Court shall stand automatically cancelled;

[b] 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;

[c] the petitioners **1, 2 and 4 shall report before the respondent Police as and when required for interrogation and the 3rd petitioner shall report before the respondent Police on every Saturday at 10.30 a.m. for a period of two weeks;**



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

[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.

23.12.2022

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