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Crl.O.P.No.2581 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence punishable under Sections 109, 120B and 420 of IPC in Crime No.16 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners on false promise obtained a sum of Rs.25,00,000/- from the defacto complainant on 15.02.2022 for purchase of gold jewelry on zero making charges and wastage. But failed to do the same and cheated the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant



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anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) submitted that the petitioners on false promise obtained a sum of Rs.25,00,000/- from the defacto complainant on 15.02.2022 for purchase of gold jewelry on zero making charges and wastage. But failed to do the same and cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and investigation is almost completed this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Judicial Magistrate No.VI, Salem** on condition that each of the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties (out of which one surety should be blood surety) each



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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 are directed to appear before the respondent police on every Wednesday at 10.30 a.m., for a period of twelve weeks.

[c] the each of the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.16 of 2022 without prejudice to their rights within a period of two weeks from the date of receipt of copy of the order and produce the receipt before the concerned Magistrate.

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



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[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 petitioner 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.

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