



Crl.O.P.No.4984 of 2023

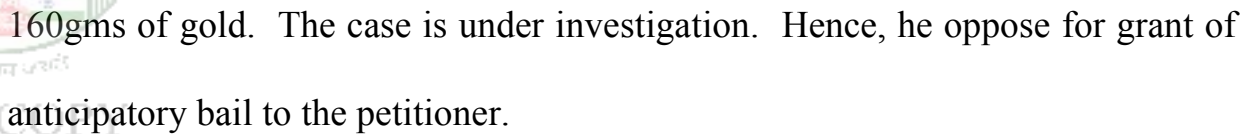
A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 406 and 420 IPC in Crime No.28 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant/Mani is that he is in the business of taking jewels on auction and selling it. The accused under the guise of purchasing gold weighing 420gms at low price had received a sum of Rs.18lakhs and returned only 160gms of gold to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is A2 in this case, the allegation attributed against one Kishore/A1 who is the main accused. However a case of business transaction has been falsely projected as case of cheating. The case has been registered based on the directions from the Court. The petitioner is ready and willing to deposit original title deed of immovable property worth Rs.10lakhs to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Government Advocate (Crl.side) would submit that the petitioner and other accused received a sum of Rs.18lakhs from the defacto complainant for purchasing 420gms of gold at lowest rate and returned only



6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

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 VIII Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, 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.

[b] the petitioner shall deposit an original title deed of immovable property worth Rs.10lakhs standing in his name to the credit of Cr.No.28 of 2023.

[c] the petitioner shall report before the respondent police daily at 10.30am until further orders.

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

[e] the petitioner 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 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]***.

[g] 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.

30.03.2023

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