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Crl.O.P.No.5947 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.556 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sridhar who was working as a Branch Manager in the M/s.Albion India Nidhi Limited is that the accused have conspired together and by pledging fake and spurious jewels had obtained loan to the tune of Rs.26,99,102/- through six customers and cheated the company. 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. He would further submit that the petitioner is arrayed as A2 and even as per the complaint, an amount of Rs.8 lakhs is stated to have been



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transferred to the account of the petitioner. He would further submit that earlier the complaint was taken up for enquiry in CSR.No.8 of 2022 and the petitioner also appeared for an enquiry and he is ready to abide by any stringent condition may be imposed by this Court. He would further submit that the co-accused in this case have already been granted anticipatory bail by this Court in Crl.O.P.No.4005 of 2023 on 27.02.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused by pledging fake and spurious jewels, cheated the defacto complainant to the tune of Rs.26,99,102/-. He would further submit that the he has one previous case against him registered for the offence under Section 420 of IPC. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5.The learned counsel for the intervenor would submit that the petitioner and the other accused had conspired together and cheated the defacto complainant to the tune of Rs.26,99,102/- by pledging fake jewels. As far as this petitioner is concerned an amount of Rs.8 lakhs has been deposited to his account.

6. In reply, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his rights, is ready to deposit an amount of Rs.5,00,000/- to the credit of the Crime number No.556 of 2022, within a period of three weeks and thereby he would seek for grant anticipatory bail to the petitioner.

7. Heard both sides and perused the materials available on record.

8. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate II, Alandur**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner is directed to deposit a sum of Rs.5,00,000/- to the credit of Crime No.556 of 2022 before the concerned Magistrate within a period of three weeks from the date of receipt of a copy of this order. It is also made clear that if the amount of Rs.5,00,000/- is not deposited within a period of three weeks, the respondent is at liberty to secure the petitioner.**



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[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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