



Crl.O.P.No.6055 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 420 & 34 of IPC, pending trial in C.C.No.40 of 2022 on the file of the learned Judicial Magistrate Court No.II, Poonamallee, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with A1 had perpetrated fraud and cheated Manapuram Gold Loan Company for an amount of Rs.13,00,000/-, due to which, the defacto complainant/Area Relationship Officer in Manapuram Gold Loan Company, registered a complaint against these petitioners.

3. The learned counsel appearing for the petitioners would submit that the respondent has registered a case in Crime No.257 of 2011 and the petitioners have been shown as accused numbers 2 & 3. However, the petitioners were not aware of the registration of the case against them and thereby they have not obtained any anticipatory bail and they were



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also not arrested by the police. Whereas the respondent after completing the investigation has filed the final report showing the petitioners as absconding accused and also the case is taken up on file in C.C.No.40 of 2022 on the file of the learned Judicial Magistrate Court No.II, Poonamallee and the learned Judge without issuing summons had straight away issued Non-bailable warrant of arrest. He would submit that the petitioners are ready to abide by any stringent condition imposed by this Court and they also ready to furnish adequate security for the release on bail, thereby, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused persons have cheated the defacto complainant and the petitioners were not arrested during investigation and the respondent has completed the investigation and filed final report and also the case is taken up on file in C.C.No.40 of 2022 on the file of the learned Judicial Magistrate Court No.II, Poonamallee and the case is posted to 05.04.2023.

5. Heard the learned counsel for the petitioners and the learned



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Government Advocate (Crl.Side) and also perused the materials available on record.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate Court-II, Poonamallee, on condition that the petitioners shall execute a separate bond for a 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 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.



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[b] the petitioners are directed to appear before the learned Judicial Magistrate Court-II, Poonamallee on all working day at 10.30 a.m, for a period of one week and thereafter the date fixed by the learned trial Judge;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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17.03.2023

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