



Crl.O.P.No.6149 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 alleged offences punishable under Sections 406, 420 of IPC, in Crime No.68 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the accused induced him that they would be able to purchase air conditioner machine at cheaper rate and on believing the same the defacto complainant had paid a sum of Rs.9,24,000/- by way of RTGs to the accused and later the accused had returned a sum of Rs.4,00,000/- and refused to repay the balance amount of Rs.5,24,000/- and cheated him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner/A2 is the friend of A1 and his bank account was misused by A1. He would submit that A1 was arrested and subsequently enlarged on bail. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.2,00,000/-



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to the credit of Crime No.68 of 2023 towards the alleged loss incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused induced him that they would be able to purchase air conditioner machine at cheaper rate and believing the same the defacto complainant had paid a sum of Rs.9,24,000/- by way of RTGs to the accused and later the accused had returned Rs.4,00,000/- and refused to repay the balance amount of Rs.5,24,000/- and cheated him. Therefore, he vehemently opposed to grant of bail to the petitioner.

5.Heard the learned Counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts of the case and also taking note of the fact that now the petitioner is ready to deposit the said amount without prejudice, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of

Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.68 of 2023 and on such deposit and production of proof, 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 VII Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.



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[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.03.2023

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