



CrI.OP.No.6233 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.25 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Pandi is that the accused had purchased raw materials from the defacto complainant on several occasions to the tune of Rs.37,87,939/- and repaid a sum of Rs.12,37,939/- and cheated the remaining amount of Rs.25,50,000/-. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given against him. He would further submit that a case of commercial in nature has been falsely projected as a case of cheating. He would also submit that even as per the defacto complainant, there was running business transaction and the defacto complainant has supplied goods to the tune of Rs.37,87,939/- and



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the petitioner also has repaid a sum of Rs.12,37,939/-. He would further submit that it is not a case where there was an intention to cheat right from the inception of the transaction. He would further submit that the petitioner is running a Company in the name of M/s.Thangam and Co., and the petitioner is the man of means is ready to furnish adequate securities for his release on bail and he is ready to abide by any stringent condition imposed by this Court. He would also submit that the case has been registered based on the direction from the Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had purchased raw materials from the defacto complainant to the tune of Rs.37,87,939/- and cheated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.



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CrI.OP.No.6233 of 2---

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain 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 three days from the date on which the order copy made ready, before the **Judicial Magistrate I, Tiruvallur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 deposit the original title deeds of immovable property to the value of **Rs.15,00,000/-** either belonging to himself, relatives or friends to the credit of Crime No.25 of 2021 before the concerned Magistrate, within a period of four weeks from the date



on which the order copy made ready, failing which bail anticipatory granted by this Court shall stands automatically cancelled.

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[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday 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.

31.03.2023

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CrI.OP.No.6233 of 2---

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31.03.2023