



Crl.O.P.No.6496 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 offences punishable under Sections 420 r/w. 34 of IPC in Crime No.38 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the accused had induced the defacto complainant on the promise of supply of bed and mattress materials to appoint her as clearing and forwarding agent and received an amount of Rs.15 lakhs from the complainant and cheated her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are senior citizens and they have been falsely implicated in this case. He would submit that a case of business transaction has been falsely projected as a case of cheating. He would also submit that based on the orders placed by the defacto complainant, the petitioners have



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manufactured the beds and they are lying in the factory of the petitioners.

He would further submit that the petitioners in order to show their bonafide are prepared to deposit original title deeds of immovable property worth about Rs.10 lakhs to the credit of Crime No.38 of 2023 and accordingly 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 petitioners along with A1 had induced the defacto complainant stating that they are ready to supply bed and mattress materials and also appoint distributors for supply of goods to Vasanth & Co, and received a sum of Rs.15 lakhs from the defacto complainant and also cheated her. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the undertaking given by the petitioners to deposit the original



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title deeds of immovable property worth of Rs.10 lakhs totally to the credit of Crime No.38 of 2023, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners shall deposit original title deeds of immovable property (stand in the name of the petitioners or in name of his friends or relatives) worth of Rs.10 lakhs totally to the credit of Crime No.38 of 2023 and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Chief Judicial Magistrate, Puducherry**, on condition that each of the petitioners shall execute a separate 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:



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[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.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders. The second petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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]**.



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

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