



Crl.O.P.No.8186 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 409, 420 and 506(i) of IPC in Crime No.70 of 2022, seeks anticipatory bail.

2.It is the case of the defacto complaint that he is the owner of Asian Concrete and Minerals Corporation, Tiruvallur District and the 1st accused was working as an employee under him and was getting salary of Rs.18,000/- per month and apart from that, commission of Rs.1 was paid for each cement pack. While so, when the defacto complainant has asked for accounts from the year 2019, he had not given proper accounts and amount of Rs.30,00,000/- was outstanding and it was found that the accused had misappropriated the amounts and on 12.01.2022, though the accused had undertaken to settle the amount, he did not come to the Office and thereby when the defacto complainant had called him on 25.02.2022, the accused and his father had threatened the employees of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would



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submit that the petitioners are innocent and the case of a commercial transaction has been projected as a case of cheating. He would further submit that even as per the complainant, the alleged occurrence said to have been taken place during the year 2019 and instead of filing a suit now, the defacto complainant had attempted to recover the money through police action. He would further submit that the allegation of the defacto complainant that the petitioner has threatened the employees of the defacto complainant is also false one and thereby, he seeks for Anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners are the father/A2 and son/A1 and A1 was employed by the defacto complainant. During the course of business, the petitioners cheated the defacto complainant to the tune of Rs.30,00,000/-.

5.Heard the learned counsel appearing on both sides and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the



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case and also the submissions made by the learned counsel, this Court is inclined to grant 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, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif-cum-Judicial Magistrate, Uthukottai** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 shall report before the respondent police station everyday at 10.30 a.m, for a period of two weeks and thereafter on every Saturday at 10.30 a.m until further orders.

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

20.06.2023

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