



Crl.OP.No.8749 of 2023

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K.KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC in Crime No.81 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant is selling the roofing sheets in wholesale and retail basis. The petitioners had paid a sum of Rs.2,00,000/- to the *de facto* complainant and purchased the roofing sheets worth about Rs.13,48,032/- and assured to pay the remaining sum of Rs.9,63,144/- after the completion of construction work. However, even after the completion of said work, the petitioners had not paid the balance amount to the *de facto* complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners had paid a sum of Rs.7,00,000/- on 20.05.2022 and a sum of Rs.5,00,000/- on 22.06.2022 and purchased roofing sheets worth about Rs.5,15,112/- and Rs.9,13,144/- respectively and hence, only a



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sum of Rs.2,28,256/- is due and payable by the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that as per the allegation made by the *de facto* complainant, these petitioners had cheated the amount to the tune of Rs.9,63,144/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Judicial Magistrate No.V, Vellore 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



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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.

[b] the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks 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.



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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 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.

18.05.2023

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