



Crl.O.P.No.8931 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 406, 408, 420 and 477(A) r/w 34 of IPC in Crime No.58 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant R.Kannan is that a sum of Rs.8,96,190/- has been transferred to Restaurant's account through Phone Pay & G-Pay by the customers from 22.04.2022 to 06.12.2022, as per the Restaurant's account sheet but the said amount was not credited to the Restaurant's bank account instead it has been cheated by the petitioners. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant himself had stated that the said accounts were verified each and every day and a



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belated complaint has been given. He would further submit that without prejudice, the petitioners are ready to deposit the original title deed of immovable property to the value of Rs.4 lakhs to the credit of Crime No.58 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners, in the guise of transferring amount of Rs.8,96,190/- to the defacto complainant through Phone Pay and G-pay have cheated the defacto complainant. Hence, he object to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also taking note of the fact that the petitioners are ready to deposit a original title deed worth about Rs.4 lakhs, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 **XVIII Metropolitan Magistrate Court, Saidapet, Chennai**, on condition that each of the petitioner 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:

[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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall deposit the original title deeds of immovable property either belonging to themselves, relatives or friends worth about Rs.4 lakhs to the credit of Crime No.58 of 2023 before the concerned



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Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].**

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

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