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Crl.O.P.No.10650 of 2023

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K. GOVINDARAJAN THILAKAVADI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.138 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and one Gandhimathi/defacto complainant entered into a lease agreement for a period of three years and the said agreement came to be end on 15.09.2022. As per the agreement, the petitioners repaid a sum of Rs.6,00,000/- and agreed to pay the balance amount of Rs.6,00,000/- within a period of three months. But, the petitioners did not repay the balance amount of Rs.6,00,000/- and also cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence



Crl.O.P.No.10650 of 2023

WEB COPY

as alleged by the prosecution. He would further submit that a false case has been foisted against these petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent police would submit that the first petitioner and one Gandhimathi entered into a lease agreement for a period of three years and the said agreement came to be end on 15.09.2022. As per the agreement, the petitioners repaid a sum of Rs.6,00,000/- and agreed to pay the balance amount of Rs.6,00,000/- within a period of three months. But, the petitioners did not repay the balance amount of Rs.6,00,000/- and also cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel of appearing on both sides and perused the material available on record including the FIR.

6. Taking note of the facts and circumstances and the submission made by the learned counsel on both sides, this Court is



CrI.O.P.No.10650 of 2023

WEB COPY

inclined to grant anticipatory bail to the petitioners with certain conditions :-

[a] the petitioners shall deposit a sum of **Rs.6,00,000/- (Rupees Six Lakhs only)** as non-refundable deposit to the credit of the Crime No.138 of 2023 within a period of six months from the date of receipt of a copy of this order and produce the receipt before the concerned Magistrate and on such deposit, the defacto complainant is permitted to withdraw the above said amount by filing an affidavit of undertaking.

[b] each of the petitioners shall execute a 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 XVIII Metropolitan Magistrate, Saidapet** failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[c] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioners shall report before the



Crl.O.P.No.10650 of 2023

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.

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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 petitioner is 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]**.

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

8. It is also made clear that if the petitioners are failed to deposit the above amount within the time stipulated, the anticipatory bail granted to the petitioners shall stand vacated without further reference to this Court.

10.05.2023

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Crl.O.P.No.10650 of 2023

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Crl.O.P.No.10650 of 2023

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