



Crl.O.P.No.10461 of 2023

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K.KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 341, 294(b), 147, 148 & 506(i) of I.P.C in Crime No.233 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner borrowed a sum of Rs.42,00,000/- from the de-facto complainant viz., Annadurai. However, the 1st petitioner did not repay the borrowed amount to the de-facto complainant. That apart, some unknown mysterious persons sent by the 1st petitioner have threatened the de-facto complainant that they would kill him and his family members. Thereafter, when the de-facto complainant inquired about the 1st petitioner, he came to know that the 1st petitioner had borrowed money from many people and cheated them without repaying the money. The 2nd petitioner and three other persons were colluded with the 1st petitioner and cheated the de-facto complainant. Hence, the de-facto complainant lodged a police complaint



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against the petitioners and those three other persons. On the basis of the complaint given by the de-facto complainant, the respondent Police registered a case in Crime No.233 of 2023. The petitioners have been arrayed as Accused Nos.1 & 2 and three other persons viz., (i) Rajesh (ii) Mani & (iii) John have been arrayed as Accused Nos.3, 4 & 5 in this case. Hence, the petitioners have filed the present petition.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioners and the other accused have not only cheated the de-facto complainant but also threatened him. So, he vehemently opposed for grant of anticipatory bail to the petitioners.



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5. Considering the above facts and circumstances of the case, 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 is made ready, before the learned Judicial Magistrate-I, Tambaram, on condition that the petitioners shall execute a 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 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 conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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, daily at 10.30 a.m., for a period of two 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.

[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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

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