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Crl.O.P.No.10944 of 2023

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K. KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i) of IPC, in Crime No.3 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that defacto complainant running a Malaysian Steel Company at Ariyalur and delivered 11,620 Kgs of steel worth about Rs.9,67,574/- to the petitioner's company. Thereafter, the petitioners failed to pay the above said amount to the defacto complainant and cheated him. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that a false complaint has been foisted against the petitioner. Hence, he seeks for grant of anticipatory bail to the petitioner.



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4. Per contra, the learned Government Advocate (Crl. Side) would submit that defacto complainant running a Malaysian Steel Company at Ariyalur and delivered 11,620 Kgs of steel worth about Rs.9,67,574/- to the petitioner's company. Thereafter, the petitioners failed to pay the above said amount to the defacto complainant and cheated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-I, Ariyalur**, on condition that 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 petitioner 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 report before the 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.

[c] the petitioner is directed to deposit a sum of Rs.7,00,000/-



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to the credit of Crime No.3 of 2023, within a period of eight weeks from the date receipt of copy of this order before the concerned Magistrate.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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