



Crl.O.P.No.11475 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.16 of 2023 on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had constructed 24,730 sq.ft of industrial building for the accused and the accused is liable to pay a sum of Rs.9 Crores, whereas the accused has paid an amount of Rs.5 Crores and odd and cheated the defacto complainant by not paying the balance amount. Hence, the complaint.

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 submit that the petitioner is running a factory in the name of M/s.Craft Mold India Pvt. Ltd., at Thirumazhisai, Chennai and based on a contract, the defacto complainant had constructed the building.



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There was a dispute between the petitioner and the defacto complainant with regard to the quality of construction and thereby, a false complaint has been given. He would further submit that even admittedly, as per the defacto complainant, an amount of Rs.5,49,00,000/- has been paid to the defacto complainant. Therefore, it is not a case of cheating and it cannot be made as against the petitioner, whereas based on a complaint, the respondent is attempting to arm twist the petitioner and recover the money by police action. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police would submit that the petitioner had induced the defacto complainant to construct a building and he had paid only the amount in part and refused to pay the balance amount and cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. Heard Mr.R.Narayanan, the learned counsel for the defacto complainant / Intervenor and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate Court No.1, Ponnammalle on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties 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 :



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[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 three weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 petitioners released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in



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P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and;

[f] if the petitioner herein thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

28.06.2023

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