



Crl.O.P.No.13113 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.85 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused, who is running a business in the name and style of RMS Associates at Erode had induced the defacto complainant under the guise of obtaining a loan to the tune of Rs.2 Crores and received an amount of Rs.12,00,000/- and cheated him. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that he is an innocent person. Based on the confession of A1, he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (CrI.Side) would submit that the petitioner is the friend of the main accused and from the account of A1, an amount of Rs.3,00,000/- has been send to the account of the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that other than receiving an amount of Rs.3,00,000/-, he has no role in the case of cheating. However, the petitioner, without prejudice to his rights, he is ready and willing to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of crime No.85 of 2023 and seeks anticipatory bail.

6. Heard both sides and perused the materials available on record including the FIR.

7. Considering the facts and circumstances of the case and the undertaking given by the petitioner that he is ready and willing to deposit



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a sum of Rs.1.5 Lakhs to the credit of Crime No.85 of 2023, to show his bona fide, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.85 of 2023, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Metropolitan Magistrate XIV, Egmore on condition that the petitioner 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 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



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a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.85 of 2023, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.06.2023

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