



Crl.OP.No.13810 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) IPC in Crime No.28 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners induced the defacto complainant for supply of fish. Based on that the defacto complainant had supplied fish to the tune of Rs.11,55,332/-. However, the petitioners have paid only the part amount and a balance of Rs.6,79,000/- has not been paid yet. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submit that it is a case of business transaction, which has been falsely projected as a case of cheating. He would submit that the petitioner has paid the part amount and now, wihtout prejudice to his rights, he is ready to deposit a sum of Rs.3,00,000/- to the



credit of Crime No.28 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners have paid only the part amount and a balance of Rs.6,79,000/- has not been paid yet. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions that the petitioners shall jointly deposit a sum of Rs.3,00,000 /-(Rupees Three Lakhs Only) to the credit of Crime No.28 of 2022 before the learned the learned Judicial Magistrate No.II, Cuddalore within a period of two weeks from the date of receipt of a copy of this order.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Cuddalore on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically canceled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall deposit a sum of Rs.3,00,000 /-(Rupees Three Lakhs Only) to the credit of Crime No.28 of 2022 before the learned the learned Judicial Magistrate No.II, Cuddalore within a period of two weeks from the date of receipt of a copy of this order;



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(d) the petitioners shall report before the respondent police daily 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 petitioners are 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]***; and

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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