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CrI.O.P.No.15386 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A3 and A4 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 420 IPC r/w Section 120-B IPC in Crime No.248 of 2023, seek anticipatory bail.

2.It is stated that A1 was running a canteen and owing to various circumstances he had closed it down. The defacto complainant then approached A1 and stated that another business could be done and had forwarded a sum of Rs.49,00,000/-. Later, the amount was not returned to the defacto complainant.

3.The learned counsel for the petitioners stated that A1 and A2 had been arrested and had been released on bail by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai. It is stated that even according to the FIR there are no allegations as against the present petitioners.



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4. On the side of the respondent, it is stated that all the accused were partners, but there are no direct allegations as against the petitioners herein.

5. Taking all these factors into consideration, 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that each one of the petitioner shall execute a separate 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 condition that:



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[a] the petitioners 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 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 **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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