



Crl.O.P.No.15680 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 420, 417, 294 (b), 506 (ii) and 34 of I.P.C. in Crime No.131 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated in Cr.No.131 of 2023 registered for the offences under Section 420, 417, 294 (b), 506 (ii) and 34 of I.P.C. The reality is that first petitioner and defacto-complainant are business partners. Defacto-complainant cheated the first petitioner, therefore he gave complaint dated 15.03.2021 to the CBCID, Puducherry. Defacto-complainant had earlier given complaint against the petitioners in Crl.M.P.No10401 of 2022 on the file of learned Chief Judicial Magistrate, Puducherry, and that complaint was withdrawn by the defacto-complainant and therefore it was dismissed as not pressed. With



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regard to the offence committed by the defacto-complainant, petitioners gave a complaint to the Bar Council, Puducherry, and enquiry on the complaint is pending. Petitioners produced statement of accounts to establish the fact that defacto-complainant is business partner of the first accused in running United Power System, a battery business. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned counsel for defacto-complainant submitted that first petitioner approached the defacto-complainant for the loan of Rs.20,00,000/-. He offered a sign as a security for the loan amount. He promised to sell the site to defacto-complainant's wife and his relatives. Subsequently, it is known that site does not belong to the first petitioner. Thus, it is clear that first petitioner had intention to cheat the defacto-complainant from the beginning. Another First Information Report in Cr.No.78 of 2022 is pending with regard to the sale of property which does not belong to the first petitioner.

4.The learned Additional Public Prosecutor (Puducherry)



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submitted that investigation in all these cases are pending.

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5.Considered the submissions and perused the records.

6.In the light of the submissions made by the learned counsel appearing for parties, and the fact projected by the petitioners that first petitioner is business partner of defacto-complainant, and there is also a complaint given by the first petitioner against the defacto-complainant and the counter allegations made against the accused that they had cheated defacto-complainant by selling a property which does not belong to petitioners/accused, this Court is of the view that the transaction between the parties are documented. The primary evidence required for this Court is documentary evidence. In the nature, facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioners is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioners and direct the petitioner to co-operate with the investigation. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their



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appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Chief Judicial Magistrate, Puducherry**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each 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 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 everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during



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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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