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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) of 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 defacto complainant is running a Fish shop in the name and style of “ADS Sea Foods”, for which the petitioners and the defacto complainant had business transaction with each other. While so, at request of the petitioners, the defacto complainant has supplied fish loads to the petitioners shop at Thiruppathur, and after receipt of the fish load they have not paid the amount for the said purchase. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case. He would further submit that it is a case of



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money dispute has been given a criminal colour. He would further submit that in the earlier anticipatory bail petition, the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.13810 of 2023 on condition to deposit a sum of Rs.3 lakhs to the credit of Crime No.28 of 2022 within a period of two weeks from the date of receipt of a copy of this order and thereafter, the said condition was modified by this Court in Crl.M.P.No.10295 of 2023 in Crl.O.P.No.13810 of 2023 thereby the said amount was reduced from Rs.3 lakhs to Rs.2 lakhs. However, the petitioners could not paid the said amount and the time granted by this Court itself got expired. Now, the petitioners are ready and willing to deposit the said amount and hence, this second anticipatory bail petition.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit the petitioners have paid only the part amount and a balance of Rs.6,79,000/- have not been paid to the defacto complainant. He would further submit that though the petitioners were granted anticipatory bail in Crl.O.P.No.13810 of 2023 they failed to comply with the condition imposed by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel for the petitioners, the learned Government Advocate (CrI.side) for the respondent and perused the materials available on record.

6. It is seen that the petitioners were already granted anticipatory bail by this Court on condition to deposit a sum of Rs.3 lakhs, which was subsequently modified to Rs.2 lakhs. However, due to ailment, the said condition could not be complied by them. Now, they are ready and willing to comply with the condition.

7. Considering the facts and circumstances and also taking into consideration the submission made by the learned counsel for the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8. Accordingly, **the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakh only) to the credit of Crime No.28**



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of 2022 before the learned Judicial Magistrate No.II, Cuddalore, on or before 12.09.2023, failing which anticipatory bail granted by this Court shall stands automatically cancelled, and on such deposit, 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 made ready, before the **learned Judicial Magistrate No.II, Cuddalore,** on condition that the petitioners shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

[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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakh only) to the credit of Crime No.28 of 2022 before the learned Judicial Magistrate No.II, Cuddalore, on or before 12.09.2023, failing which anticipatory bail granted by this Court shall stands automatically



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[c] the 1st petitioner 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. As far as the 2nd petitioner is concerned, considering the health condition of the 2nd petitioner, he is directed to report before the respondent police on 1st working day of every month at 10.30 a.m until further orders.

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

[e] the petitioners 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 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]**.

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

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