



Crl.O.P.Nos.24261 and 24624 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehends arrest for the alleged offence punishable under Sections 406 and 420 of IPC in Crime No.24 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused had cheated the defacto complainant son Mr.Karthick to the tune of nearly Rs.60,54,306 lakhs in guise of selling a residential Plot No.264, situated at Lakshmi Amman Nagar, Puthagram Village, Ambattur, Chennai-600 080. Hence, the complaint.

3. Earlier on 29.11.2022, this Court referred the matter to mediation for exploring the possibility of amicable settlement of issues between the parties.

4. Today, when the matter is taken up for hearing the learned



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Government Advocate (Crl. Side) produced the mediation report. On a perusal of the mediation report, it reveals that petitioners deposited two Demand Drafts each for a sum of Rs.5,00,000 and the petitioner/A1 in Crl.O.P.No.24910 of 2022 agreed to pay a sum of Rs.20.00 lakhs.

5. The learned counsel for the petitioner submits that before filing of the F.I.R., a sum of Rs.10.00 lakhs was paid to the defacto complainant and further remaining sum of Rs.20.00 lakhs only need to be paid. He further submits that the petitioners are ready to deposit a sum of Rs.20.00 lakhs in two installments without prejudice to his claim. Hence, he prayed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the material available on record.

7. Considering the facts and circumstances of the case and also the



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fact that the A1 has agreed to pay a sum of Rs.20.00 Lakhs in two installments, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate Court-I, Poonamalle**, on condition that each of the petitioners shall execute a 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 conditions for the petitioners 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 are directed to report before the



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respondent police on every Saturday at 10.30 a.m., for a period of six 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.

28.02.2023

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