



Crl.O.P.No.20692 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420 and 506(i) of IPC, in Crime No. 509 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is is working in a Private Company and the 1st accused, who was working with the defacto complainant in earlier company, introduced himself with the defacto complainant. While so, the defacto complainant requested the 1st accused to arrange godown on rental basis and the same was arranged by the A1 for the defacto complainant. The defacto complainant started a business in the name and style of Saravana Industries in the said godown. Thereafter, the defacto complainant had given employment to A1 to maintain the Company and also maintain the accounts, profits and expenses and also the defacto complainant had handed over his own Bolero car to A1. Thereafter, A1 introduced A2 and both have given advice to the defacto complainant that all are started scrap iron business



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and assured that 70% of the profit will be given to the defacto complainant. Believing their words, the defacto complainant had paid a sum of Rs.15,00,000/- by way of cash by two installments. Thereafter, A1 and A2 have not paid any share to the defacto complainant till date. Hence, the defacto complainant insisted the accused to pay the share amount of Rs.44,21,500/- but the accused 1 and 2 are refused to pay the share amount and thereby cheated the defacto complainant and when the defacto complainant approached the accused to repay the amount, the accused threatened him with dire consequences. Hence, the case.

3. Mr.Selvakumaraswami, learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further contend that as per the allegation against the petitioner in the complaint, he has received only a sum of Rs.15 lakh and he has already repaid a sum of Rs.4 lakh to the defacto complainant. He would further submit that the petitioner is no way connected with the alleged offence of the A1 and the petitioner is ready to abide by any condition that may be



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imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused in the guise of running a partnership business, have cheated the defacto complainant to the tune of Rs.44,21,500/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. It is seen that as per the averment in the FIR, the defacto complainant has paid a sum of Rs.13,85,500/- to the petitioner herein. According to the petitioner, he has already paid a sum of Rs.4 lakh to the defacto complainant.

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



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the submission made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8. Accordingly, **the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakh only) to the credit of Crime No.509 of 2021, within a period of four weeks, before the Magistrate,** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate – II, Poonamalle, Tiruvallur District,** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner and the sureties shall affix their photographs



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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 petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakh only) to the credit of Crime No.509 of 2021, within a period of four weeks, before the Magistrate.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

26.09.2023

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