



Crl.O.P.No.21010 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.296 of 2023 registered by the respondent police for the offence punishable under Sections 406 & 420 of IPC. It had been stated that the entire occurrence took place between 01.01.2019 to 13.01.2023 but the complaint was lodged only on 03.07.2023.

2. The case of the prosecution is that the defacto complainant had paid a sum of Rs.15,00,000/- on the ground that the petitioner herein would construct a building and the petitioner also received golden jewels weighing 678 gms. It is stated that no building was ever constructed and a cheque was issued to the defacto complainant and the same was returned 'dishonoured' thereby the defacto complainant was cheated.

3. The petitioner herein had also given a complaint against the defacto complainant on 19.01.2023. It is thus seen that both the petitioner and the defacto complainant were engaged in various transactions without any bonafide on either side.



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4. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

5. Accordingly, 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 **Judicial Magistrate Court No.I, Tambaram**, 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 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.



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

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

[d] the petitioner 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 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]**.

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

05.10.2023

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