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Crl.O.P.No.22405 of 2023

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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 477A, 406, 420 & 506(ii) of IPC, in Crime No. 1255 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband were running a partnership firm business called 'Chennai Electromech' and 'Chennai Circuit' respectively, in which the petitioners were also one of the partners. It is further alleged that after demise of defacto complainant's husband, she was kept out of the business and her share of profits from the firm has not been paid and she was cheated by the petitioners. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that



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charge sheet has been filed before the Judicial Magistrate on 17.08.2023 in C.C.No.220 of 2023 and now the case has been adjourned to 17.10.2023. He would further submit that the petitioners are ready to abide by any condition that may imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the defacto complainant and her husband were running a partnership firm business called 'Chennai Electromech' and 'Chennai Circuit' respectively, in which the petitioners were also one of he partners. It is further alleged that after demise of defacto complainant's husband, the defacto complainant was kept out of the business and her share of profits from the firm has not been paid and she was cheated by the petitioners. He would further submit that charge sheet has been filed before the Judicial Magistrate on 17.08.2023 in C.C.No.220 of 2023 and now the case has been adjourned to 17.10.2023 However, he opposed to grant anticipatory bail to the petitioners.



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

6. Considering the facts and circumstances and also taking into consideration the fact that charge sheet has been filed and the same has been taken cognizance by the Judicial Magistrate in C.C.No.220 of 2023 on 17.08.2023 and the case has been adjourned to 17.10.2023 and summons have been issued to the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, 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 **Judicial Magistrate, Sriperumbudur**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (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



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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 appear before the concerned Magistrate Court on all hearing dates.

[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.

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