

Crl.O.P.No.28407 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 403, 477A, 506(1), 379 and 420 of IPC in Cr.No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner were partners of M/s.Hanin Enterprises Private Limited. The petitioner cheated the defacto complainant in the business transaction and thereby caused heavy loss to the defacto complainant. Hence, the complaint was registered.

3. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the material available on record.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner has filed an affidavit without prejudice to his claim and the same is recorded. This affidavit shall be a forming part of this order and the



same is also circulated to the learned counsel for the intervenor.

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5. In the said affidavit, the petitioner has also agreed to deposit a sum of Rs.10 lakhs on or before 15.03.2023 and pay the remaining amount of Rs.20 lakhs in two further instalments of Rs.10 Lakhs each on or before 15.04.2023 and 15.05.2023 respectively to the credit of the Crime No.5 of 2022. The said deposit of Rs.30,00,000/-(Rupees Thirty Lakhs Only) will not have any bearing on the proceedings to be proceeded before the Trial Court. With regard to the return of passport the petitioner has to approach the Trial Court by filing an appropriate application and the learned Trial Judge is directed dispose of the case on merits.

6. Considering the facts and circumstances of the case and also the petitioner had filed an affidavit of undertaking, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate No.I, Kancheepuram**, on condition that the petitioner 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 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.

[b] the petitioner is directed to appear before the respondent police on every Sunday at 10.30 a.m., for a period of four months.

[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 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]**



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

02.03.2023

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