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CrI.O.P.No.24001 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1 to A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 IPC in Crime No.119 of 2023, seeks anticipatory bail.

2.It is stated that the defacto complainant and the 1st and 2nd accused are family friends. It is also stated that the defacto complainant had transferred a sum of Rs.2,23,487/- to the account of A2 for payment of school fees. This was also paid. It is stated that the defacto complainant had pledged her jewels and paid a sum of Rs.1,30,000/- for construction of wall and a further sum for changing of patta. Thereafter, the defacto complainant requested the accused to repay the amount or to register the land, but the accused failed to return back the money.

3.The entire issue will have to be examined on the basis of evidence unless the defacto complainant produces evidence for transfer of money.

4.In view of that fact, at this stage this Court is inclined to grant



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anticipatory bail to the petitioners with certain conditions.

5. 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 learned Judicial Magistrate, Ambattur, on condition that each one of the petitioner shall execute a separate 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 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 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the 2nd and 3rd petitioners shall report before the respondent police weekly once i.e., on the Monday of every



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week at 10.30 a.m for a period of three 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.

19.10.2023

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