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Crl.O.P.No.25386 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420 and 506(ii) IPC in Crime No.290 of 2023, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent.

3.It is stated that the first petitioner is running a textile business and the second petitioner is the staff in the business. The de facto complainant had supplied goods and the petitioners had issued postdated cheques which when presented for payment, had been returned by the bankers. When there is a specific provision under the Negotiable Instruments Act, 1881, and even though parallelly a complaint can be given, still in view of the fact that it is a purely business transaction, I am inclined to grant anticipatory bail to the petitioners.



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4.Taking into consideration the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners herein 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 District Munsif-cum-Judicial Magistrate, Madhavaram**, on condition that each 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.



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[b] the 1st petitioner shall report before the respondent police **once in a week for a period of four weeks** and the 2nd petitioner shall report before the respondent police **everyday at 10.30 a.m., for a period of two weeks.**

[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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