

CrI.O.P.No.31107 of 2022**T.V.THAMILSELVI, J.**

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The petitioner, who apprehends arrest for the alleged offence under Section 420 of I.P.C in Crime No.307 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner acted as a agent and thereby collected a sum of Rs.2,95,000/- from the defacto complainant and various persons on the promise that he will supply quality crackers. Thereafter he was not either supplied the crackers or returned the money and thereby cheated the defacto complainant and other persons. Hence the defacto complainant registered the case before the law enforcing agency against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has acted as only a agent and he has placed orders with one Ganesh who has promised to supply the crackers and the entire collected money is with the said Ganesh who has cheated the petitioner by supplying the defective goods. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submitted that the petitioner acted as a agent and swindled money to the tune of Rs.2,59,000/- and cheated the investors. He further submits that the main accused in this case is A2/Ganesh. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned VII Metropolitan Magistrate, George Town, Chennai** 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b)the petitioner shall report before the respondent police as and when required for interrogation.

(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 anticipatory 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

The learned Government Advocate is directed to submit a report regarding the action taken against A2 on 30.01.2023

04.01.2023

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4

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