



Cr.O.P.No.32271 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 465, 467, 468, 420 r/w 34 of IPC in Crime No.330 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 and his wife, who is arrayed as A1, have cheated the defacto complainant by proclaiming as they have arranged the house in Tamil Nadu Housing Board, for which, the defacto complainant along with ten others have given Rs.2,00,000/- each to the petitioner by furnishing fake allotment order. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and released on bail in Crl.M.P.No.5304 of 2022 dated 18.10.2022. Hence, he prays to grant anticipatory bail to the petitioner.



Cr.O.P.No.32271 of 2022

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4. The learned Additional Public Prosecutor for the respondent police would submit that the petitioners have cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court-II, Poonamallee 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



Cr.O.P.No.32271 of 2022

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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

06.02.2023

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