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Crl.O.P.No.2343 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b), 323, 324 and 506(ii) of IPC in Crime No.485 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant, Kanaga is that the petitioners/accused had purchased fish from the *de facto* complainant to the tune of Rs.27 Lakhs and cheated her by not paying the amount. Further, when the *de facto* complainant demanded the accused for the amount, the accused abused her in filthy language and also threatened her by assaulting her. Hence, the case.

3. Learned Counsel for the petitioners submitted that this is the second application for bail filed by the petitioners. He further submitted that this Court, by an order dated 01.11.2022 had granted anticipatory



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bail to the petitioners in Crl.O.P.No.23983 of 2022 with a condition to the deposit the original title deeds of an immovable property (either belonging to themselves, relatives or friends) worth about Rs.10 Lakhs to the credit of Crime No.485 of 2022 within four weeks from the date on which the order copy was made ready, however, since the petitioners were unable to obtain the solvency certificate in time, they were unable to comply with the order and thereby, the earlier order has lapsed. Therefore, the present petition has been filed. He also submitted that the investigation in this case is still pending and the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for a grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this Court had already granted anticipatory bail to the petitioners in Crl.O.P.No.23983 of 2022 vide order dated 01.11.2022, however, the petitioners have not surrendered and executed the sureties. He further submitted that the investigation in



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this case is pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 District Munsif cum Judicial Magistrate No.II, Chidambaram**, on condition that the petitioners shall execute separate



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bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 conditions that:

[a] Each of the petitioner is directed to deposit a sum of Rs.1000/- (Rupees One Thousand only) to the credit of Taluk Legal Services Authority, attached to the Court concerned, within a period of two weeks from the date on which the order copy made ready and shall produce the said receipt before the Court below while executing the sureties;

[b] the petitioners shall deposit the original title deeds of immovable property (either belonging to themselves, relatives or friends) worth about Rs.10 Lakhs to the credit of Crime No.485 of 2022 before the Magistrate concerned, at the time of executing sureties;

[c] the first petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[d] The second and third petitioners shall report before the respondent Police, everyday at 10.30 a.m. for a



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period of two weeks and thereafter, on every Saturday at 10.30 a.m.,until further orders;

[e] 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 his Aadhar card or Bank pass Book to ensure their identity;

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioners shall not abscond either during investigation or trial;

[h] 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]**;

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

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The Criminal Original Petition is listed today under the caption “for clarification”.

2. Learned counsel appearing for the petitioner submitted that this Court, by an order dated 14.02.2024, while granting anticipatory bail to the petitioners, had imposed a condition [7(b)] that the petitioners shall deposit the original title deeds of immovable property (either belonging to themselves, relatives or friends) worth about Rs.10 Lakhs to the credit of Crime No.485 of 2022 before the Magistrate concerned, at the time of executing sureties. Pursuant to the same, the petitioners have surrendered before the trial Court for executing sureties on 04.03.2024, however, the learned Magistrate had insisted that each of the petitioner shall deposit the original title deeds of immovable property worth about Rs.10 Lakhs and thereby, he sought for clarification.



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3. This Court has perused the return of surety document along with the endorsement of the learned Magistrate. Considering the facts and submissions that the amount involved in the case is Rs.27 lakhs, one original title deed of the immovable property is sufficient. Hence, the condition 7(b) of the order dated 14.02.2024 is clarified that this Court had directed the petitioners to jointly deposit an original title deed of immovable property (either belonging to themselves, relatives or friends) worth about Rs.10 Lakhs to the credit of Crime No.485 of 2022 before the Magistrate concerned, at the time of executing sureties.

4. It is made clear that all other conditions remains unaltered and the petitioners shall surrender and execute sureties within a period of one week from today.

18.03.2024

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Note : Issue order copy today (18.03.2024).

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