



Crl.O.P.No.4067 of 2024

Crl.O.P.No.4067 of 2024

WEB COPY

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 of IPC in Crime No.28 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant gave his van to the 3rd petitioner for transfer of R.C Book and thereafter the 3rd petitioner offered the defacto complainant to sell the van to the defacto complainant for a sum of Rs.5,00,000/-, for which, the 1st petitioner issued a cheque for the said amount and the same was returned unpaid. Thereafter, the defacto complainant repeatedly requested the said amount from the petitioners but they did not repay the said amount. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners had partnership business, in which 2 loads of salt have given to the defacto



Crl.O.P.No.4067 of 2024

complainant and the same was grabbed by him, and given a false complaint before the CCB, Chennai and the same was pending, for which, after five years, the defacto complainant has given a present complaint against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are two cases, one under Negotiable Instruments Act and another under Central Crime Branch and the same are pending against the petitioners. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel that there is no papers of evidence and also the fact that the petitioners without prejudice to their rights are volunteered to deposit a sum of Rs.50,000/- each, to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.



Crl.O.P.No.4067 of 2024

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned II Metropolitan Magistrate Court, Egmore, Chennai*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, 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 and on further condition that:

(a) Each of the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.28 of 2022 before the learned II Metropolitan Magistrate Court, Egmore, Chennai, within a period of three weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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;

[c] the first and second petitioners shall report before the respondent police as and when required for interrogation;

[d] the third petitioner shall report before the



CrI.O.P.No.4067 of 2024

respondent police on every Saturday at 10.30 a.m, for a period of three months;

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

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

[g] 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 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]**;

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

10.04.2024

drl

T.V.THAMILSELVI,J.



WEB COPY



Crl.O.P.No.4067 of 2024

drl

Crl.O.P.No.4067 of 2024

10.04.2024