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Crl.O.P.Nos.4328 & 4815 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A2 and A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 IPC in Crime No.75 of 2022, seek anticipatory bail.

2.A2 has filed Crl.O.P.No.4815 of 2024 and A3 has filed Crl.O.P.No.4328 of 2024.

3.The case of the prosecution is that the petitioners along with other accused, under the guise of arranging housing loan, cheated the de-facto complainant by creating forged document of sale agreement for a sum of Rs.30,00,000/-, when the agreed sale consideration was only Rs.16,00,000/-. It is further contended that the defacto complainant had so far paid a sum of Rs.5/- Lakhs towards advance to the 1st accused.



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4.The learned counsels for the petitioners states that the petitioners are innocent of the alleged offences. Hence, they seek for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner conspired with the other accused and cheated the defacto complainant to the tune of Rs.19,00,000/- under the guise of arranging bank loan. Hence, he opposed for granting anticipatory bail to the petitioners.

6.The learned counsel for the intervenor also stated that these two accused are the crucial accused and stated that they must be secured. But however, the learned counsel for the petitioners stated that the petitioners would come forward to comply with any condition imposed by this Court.



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7.It is also seen that A1 had been granted bail under Section 167(2) Cr.P.C., and A4 had been granted bail by a learned Single Judge of this Court in Crl.O.P.No.27805 of 2023 by order dated 29.12.2023.

8.Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners, but however, directing each one of the petitioners to deposit a sum of Rs.3/- Lakhs (Rupees Three Lakhs only) to the credit of Crime No.75 of 2022. The petitioners are directed to deposit the said amount within a period of 30 days from the date of executing the sureties. On such deposit, the learned II Metropolitan Magistrate, Egmore, Chennai, may transfer the amounts in two separate fixed deposit account in anyone of the Nationalized Banks and pass final orders on conclusion of trial. If the petitioners are acquitted, the amount with interest may be handed back to the petitioners and if the petitioners are convicted, the amount with interest may be handed over to the defacto complainant.



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9. 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 II Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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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