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Crl.OP.No.18524 of 2024

Crl.O.P.No.18524 of 2024
and Crl.M.P.No.11426 of 2024

P.DHANABAL, J.

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 & 34 of IPC in Crime No.96 of 2024, seek anticipatory bail.

2. Crl.M.P.No.11426 of 2024 has been filed by the defacto complainant seeking to intervene in this original petition. Considering the fact and circumstances of the case, this miscellaneous petition is ordered, accordingly.

3. The case of the prosecution is that the petitioners and the defacto complainants are business friend. The defacto complainant had offered to sell his bus with bus permit and quoted a sum of Rs.27 lakhs and the same was also transferred to the petitioner. However, the same is not handed over to the defacto complainant. Hence, this complaint.



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4. The learned counsel for the petitioners submitted that they are innocent persons, they have surrendered business work and transaction amount to the defacto complainant, however, in order to avenge the petitioners due to personal enmity, the defacto complainant has come up with this false complaint. Hence, seek anticipatory bail.

5. The learned counsel for the intervening petitioner/defacto complainant submitted that the defacto complainant had paid the agreed amount in acquiring the bus with permit running from Puducherry to Kanagachettikulam, however, the petitioners/accused have not handed over the same to the defacto complainant. Hence, opposed to this petition.

6. The learned Public Prosecutor (Puducherry) would submit that the petitioners on promising to hand over the permit and the bus had received an amount of Rs.27 lakhs and had cheated the defacto complainant without handing over the same, further, the investigation in this case is also not completed and opposed the grant of anticipatory bail to the petitioners.



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7. Considering the rival submissions on either side and also the fact that there is a money dispute pending between the parties relating to the business transactions and the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. 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 Chief Judicial Magistrate, Puducherry, on condition that the petitioners shall execute a separate 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 petitioners and the sureties shall affix their photographs



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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 daily at 10:30 am until further orders.

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

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

13.08.2024

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