



Crl.O.P.No.20716 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 of IPC, in Crime No.28 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Partner of M/s.Palaniyappa Marketing which deals with supply and also of LG house hold articles. Further, the petitioner who runs a household articles and purchased the articles from the defacto complainant worth about of Rs.11,23,445/-. Thereafter, the petitioner has failed to repay amount and threatened him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second anticipatory bail application. He further submitted that the petitioner is a senior citizen aged about 77 years. Moreover, he is an innocent person and he has been falsely implicated in this case and the petitioner was doing business of retail business of Home Appliances and also sell the LG products 1989 to 2017. He further submitted that there are lot of business activities and there was no due pending. He further submitted that the defacto



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complainant making false claim based on bills during the period between 2013-2017. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had cheated the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor/defacto complainant submitted that the petitioner had cheated the defacto complainant to the tune of Rs.11,23,445/-. Hence, he strongly opposed for grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also the fact that the petitioner is a senior citizen, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Pallavaram*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, for



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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] the petitioner shall deposit a sum of Rs.4,50,000/- (Rupees four lakh fifty thousand only) to the credit of Crime No. 28 of 2023 in two installments within a period of five weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below and on such deposit, the defacto complainant is permitted to withdraw the same on filing of undertaking affidavit and proper identification and acknowledgment;

[b] the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

[c] the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



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[f] 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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

Post the matter on 30.09.2024 'for reporting compliance'.

29.08.2024

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29.08.2024