



Crl. O.P. No.23694 of 2024

Crl. O.P. No.23694 / of 2024

P. DHANABAL.J.,

WEB COPY

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Section 420 of IPC in connection with the Cr. No.16 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others obtained money from the defacto complainant for building a house and obtained Rs.1 lakh and constructed only upto basement and thereafter, they have not constructed the house as promised and thereby, cheated the defacto complainant and hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against the petitioner for the offence under Section 420 of IPC. As per the prosecution, one Rajkumar belongs to Tirunelveli along with these petitioners have assured the defacto complainant to build a house to a sum of Rs.3,80,000/- to an extent of 500 sq. ft. and induced him to deposit a sum of Rs.1 lakh and these petitioners made him to believe that they are constructing house for refugees from abroad and for poor people. Therefore, the defacto



Crl. O.P. No.23694 of 2024

complainant paid a sum of Rs.1 lakh as advance. While so, a sum of Rs.95,000/- was transferred to the account of one Karthi and as per the instruction of the said Rajkumar, Rs.5,000/- was paid in hand and thereafter, the said Rajkumar executed an unregistered agreement for the above said amount and agreed to build the house within 3 months. Thereafter, they constructed the building upto basement level and did not start any work thereafter. When the defacto complainant contacted the said Rajkumar, he told that he will return the money through Karthi, who is the Staff under the said Rajkumar. Thereafter, they never repaid the money and constructed the house. Therefore, he lodged a complaint. In fact these petitioners are employees of the above said Rajkumar and they received only salary for the work done by them. The said Rajkumar only received the amount and constructed the house. Therefore, these petitioners are no way connected with the commission of offence as alleged by the prosecution. Hence, the petitioners may be released on anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that these petitioners along with one Rajkumar have approached the defacto complainant and obtained Rs.1 lakh and assured to build a house



Crl. O.P. No.23694 of 2024

to an extent of 500 sq. ft. for a sum of Rs.3,80,000/- and after obtaining Rs.1 lakh, they only constructed upto basement level and thereafter, they have not constructed the house, thereby he lodged a complaint and on investigation, it came to know that the said Rajkumar has cheated so many persons by obtaining money from them and the case is at initial stage and and hence he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that there is an agreement in respect of construction of house and already building was constructed upto basement level and even according to the prosecution case, these petitioners are only the employees of the main accused Rajkumar and the said Rajkumar only has received the amount and he only executed the agreement and even though these petitioners have received the amount, only as per the instruction of the said Rajkumar, they received the amount and in turn, they gave the said money to the said Rajkumar and the entire transactions are only dealt with by the said Rajkumar, I am inclined to grant anticipatory bail to the petitioners subject to the following



Crl. O.P. No.23694 of 2024

conditions.

WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.III, Cuddalore** on condition that the petitioners shall each execute a 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;



Crl. O.P. No.23694 of 2024

WEB COPY

[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.2023.

29.10.2024

mjs

P.DHANABAL,J
mjs

To

- 1.The Judicial Magistrate No.III, Cuddalore
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, DCB Police Station, Cuddalore District.



WEB COPY



CrI. O.P. No.23694 of 2024

CRL O.P. No.23694 of 2024

28.10.2024