



Crl. O.P. No.24641 of 2024

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P. DHANABAL.J.,

The petitioners / Accused 2,5 and 8, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 318(4) of B.N.S. 2023 in connection with the Cr. No.474 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was introduced with one Kamal and Ramkumar through his friend Gobinath by stating that they are doing gold business and gold coins can be purchased from them at lower price, that on 03.08.2024 near Tiruvannamalai to Chengam Bypass - Puzhudiur Kootroad, the said Kamal and Ramkumar received Rs.4 lakhs from the defacto complainant and in turn, gave 140 nos. of gold coins and on suspicious, when the said gold coins were checked and found that they are duplicate and fake coins and further, the said persons again contacted the defacto complainant over phone and said that further 3 kgs of gold can be purchased from them at lowest price and in order to catch the persons, who had cheated her by giving fake gold coins, the defacto complainant went to the place of occurrence on 29.09.2024, near Chengam Muraiyar Koot Road, at about 11 a.m., the



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said Kamal received cash from the defacto complainant and asked him to get gold coins kept in white colour Scorpio car bearing Registration No.PY01-BF-4673 and the petitioners and other accused were in the said car, who had cheated the public by giving fake and duplicate gold coins, and they were caught red handed. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioners have been falsely implicated this case, that based on the false complaint given by the defacto complainant, the respondent police have registered the case for the offences under Section 318(4) of B.N.S. 2023, that they did not commit any offence, that they are innocent persons and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are totally 8 accused and the petitioners, who are A2, A5 and A8 along with other accused have cheated the defacto complainant by receiving money for the fake gold coins, that A2 and A5 have previous cases of similar nature and hence he strongly opposed to grant anticipatory bail to the petitioner. The learned Government Advocate appearing for the State also represented that A8 has



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no other previous case and the health condition of A2 and A5 is too worst.

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

6. Considering the representations made on either side, considering the nature of offences charged against the petitioners, considering the fact that there is no previous case pending against the 3rd petitioner/A8 and though the other 1 & 2 petitioners / A2 and A5, have some previous case, their physical health condition is too worst, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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 **Judicial Magistrate Court, Chengam** on condition that the petitioners shall 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 on



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every Saturday at 10 a.m. until further orders;

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[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;

[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 269 B.N.S.2023.



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To

- 1.The Judicial Magistrate Court, Chengam
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Chengam Police Station, Tiruvannamalai District.

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