



Crl.O.P.No.27776 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused 2 and 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(4) of the BNS Act, 2023 in Crime No.481 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners herein are husband and wife, who were the regular customers of one Muruga Gold Palace, owned by the defacto complainant used to purchase gold jewels on installment basis and repaid regularly. In the year 2021, the petitioners introduced one Manivasagam/ A1, who is the brother of the 2nd petitioner herein to the defacto complainant and the said Manivasagam received a sum of Rs.5,00,000/- as debt from the defacto complainant, for which A1/ Manivasagam had executed three cheques for a sum of Rs.13,00,000/- in favour of the defacto complainant. Subsequently, when Manivasagam requested some more money, the defacto complainant hesitated for the same, thereafter, the said Manivasagam along with the petitioners herein



approached the defacto complainant and requested to give them gold, on assurance that they would return the money and the gold. It is also stated that likewise Manivasagam/ A1 and the petitioners have borrowed 114 sovereigns of gold on different dates from the defacto complainant. After receiving the gold and money, they gave evasive answers and switched off the phones. Hence, this case.

3. Learned counsel appearing for petitioners submitted that petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there were no transactions between the defacto complainant and the petitioners for the past three years and the petitioners are only the guarantors and most of the transaction between Manivasagam and the defacto complainant took place without the knowledge of the petitioners. He also submitted that the case is purely a civil transaction, which is given criminal colour and since the said Manivasagam is the brother-in-law and brother of the first and the second petitioner, respectively, they have been falsely roped in this case, for recovery of money. He further submitted that the petitioners are ready to produce solvent sureties and to abide with any conditions imposed upon them



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and they are also ready to deposit the original title deed of an immovable property worth about Rs.20,00,000/-, therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that A1- Manivasagam, who along with these petitioners cheated the defacto complainant by receiving a sum of Rs.5,00,000/- and gold jewels about 114 sovereigns from the defacto complainant. He further submitted that A1 – Manivasagam, who is working as an Officer in Brakes India company and residing in Maraimalai Nagar, Chengalpattu District is absconding. He further submitted that these petitioners have induced the defacto complainant to lend money and gold jewels to A1.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.



6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioners are volunteered to deposit original title deeds of an immovable property worth about Rs.20 lakhs to the credit of this crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 learned Judicial Magistrate-II, Chengalpattu** on condition that **the petitioners shall deposit the original title deeds of an immovable property not less than the value of Rs.20 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.481 of 2024** and 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:



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[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 6:30 p.m., for a period of two weeks and thereafter, every Saturday at 6:30 p.m, 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].



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[f] If the accused thereafter abscond, a fresh FIR can
be registered under Section 269 B.N.S.

13.11.2024

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