



Crl.O.P.No.27860 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused No.1 and 2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(3) of BNS, 2023 in Crime No.170 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the accused have induced him and they have purchased goods from him to the tune of Rs.7,34,078/- without making any payment and thereby, cheated him. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are father and son. He would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the case of business transactions has been falsely projected as a case of criminal breach of trust and cheating. In fact, they issued a cheque and since there was a dispute between them,



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the petitioners have stopped the payment and thereby, the transaction between them was discontinued. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police while opposing the grant of anticipatory bail to the petitioners would submit that the petitioners have purchased goods from the de facto complainant to the tune of Rs.7,34,078/- and cheated him without making payments. He would further submitted that there are no previous cases pending as against the petitioners.

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



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6. Taking into consideration of the facts and circumstances of this case and there are no previous cases are pending as against the petitioners, 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 Metropolitan Magistrate - VIII, George Town Court**, 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 and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;



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[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.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];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

07.11.2024

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