



Crl.O.P.Nos.28592 and 28732 of 2024

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

Apprehending arrest in connection with Crime No.169 of 2024 registered for the offences punishable under Sections 316(2), 318(4) of BNS, these petitions have been filed seeking anticipatory bail.

2. The case of the prosecution is that the accused, by giving fake gold cheated the defacto complainant to the tune of Rs.71 Lakhs. Hence, the present case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner in Crl.O.P.No.28592 of 2024 seeks indulgence of this Court. Learned counsel for the petitioner in Crl.O.P.No.28592 of 2024 would submit that the petitioner is innocent and she has been falsely roped in this case. He would submit that the other accused have been arrested and a sum of Rs.33 Lakhs have been recovered from them and he also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



4. Pleading innocence on the part of the petitioner, false implication

in the case, learned counsel for the petitioner in Crl.O.P.No.28732 of 2024 seeks indulgence of this Court. Learned counsel for the petitioner in Crl.O.P.No.28732 of 2024 would submit that the petitioner is arrayed as A1. The allegation as against him is that the petitioner introduced the defacto complainant to the other accused and he is only a broker. Other than introducing the accused to the defacto complainant, he has no role in this case and the petitioner is not a beneficiary to the transactions and he also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

5. Learned Government Advocate (Crl.side) appearing for the respondent would submit that the accused joined together and cheated the defacto complainant by giving spurious gold to the tune of Rs.71 Lakhs. 96 grams of gold has been recovered from the arrested accused and a balance sum of Rs.45 Lakhs has to be recovered from the petitioners and custodial interrogation of the petitioners is very much required in this case, Therefore, he oppose for grant of anticipatory bail.

6. Learned counsel appearing for the defacto complainant would



submit that the accused had cunningly induced the defacto complainant to deliver spurious gold and cheated the defacto complainant to the tune of Rs.71 Lakhs.

7. Having heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, this Court is not inclined to grant anticipatory bail to the petitioner in Crl.O.P.No.28592 of 2024 and Crl.O.P.No.28592 of 2024 is dismissed.

8. Insofar as the petitioner/A1 in Crl.O.P.No.28732 of 2024 is concerned, this Court is inclined to grant anticipatory bail to the petitioner/A1 with certain conditions and accordingly the petitioner in Crl.O.P.No.28732 of 2024 is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the **District Munsif cum Judicial Magistrate Court, Sholinganallur**, on condition that the petitioner 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:



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[a] if the petitioner in Crl.O.P.No.28732 of 2024 fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner in Crl.O.P.No.28732 of 2024 shall report before the respondent Police daily at 10.30 a.m, until further orders;

[c] the petitioner in Crl.O.P.No.28732 of 2024 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner in Crl.O.P.No.28732 of 2024 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 petitioner in Crl.O.P.No.28732 of 2024 in accordance with law as if the conditions have been imposed and the petitioner 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 of BNS.

04.12.2024
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