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Crl.O.P.No.28633 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120(B) of I.P.C. in Crime No.334 of 2013, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant S.M.Santhanalakshmi is that the petitioner along with other accused have cheated the defacto complainant. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been arrayed as A2 in this case. He would submit that the petitioner was not aware of the case being registered against him and he understands that the investigation in this case has been completed and a final report was filed showing the petitioner as absconding accused. He would submit that the case has been taken on file in C.C.No. 204 of 2022 before the learned Metropolitan Magistrate for Exclusive trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai and the learned



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Magistrate had issued summons to him. Now, apprehending arrest of the petitioner, he is seeking for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner submitted that investigation was completed and a final report was filed as against absconding accused and the trial court had issued summons to him for appearance on 29.11.2024.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that investigation completed, final report was filed and the case has been taken up on file in C.C.No. 204 of 2022 and the trial court has also issued summons for his appearance, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner 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 on which the order copy made ready, before **learned Metropolitan Magistrate for Exclusive trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai**, on condition that the petitioner 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 petitioner 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 petitioner shall appear before the trial court on 29.11.2024 and thereafter on the hearing dates fixed by the learned trial judge without fail.

[c] the petitioner shall not tamper with evidence



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or witness either during investigation or trial.

[d] the petitioner 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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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