



Crl.O.P.No.29696 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.317 of 2022, registered for the offences punishable under Section 420 of IPC, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 is running a business in the name and style of 5-G Gold at Vadapalani, Chennai and A2 is managing the business of A1 and also handling the business transactions. The petitioner along with other accused had induced the defacto complainant to invest Rs.3,52,000/- by way of installments and failed to return the principle as well as the interest. Hence, the case.

3.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner has sought anticipatory bail before this Court in Crl.O.P.No.6235 of 2023 and this Court on 16.08.2023 granted anticipatory bail to the petitioner with a condition to deposit Rs.3,52,000/- on or before 23.08.2023 to the credit of Crime No.317 of 2022 before the XVII Metropolitan Magistrate. The petitioner was unable to mobilize the fund and hence failed to



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comply the condition to deposit the said amount before the XVII Metropolitan Magistrate. He would further submit that the petitioner is now ready to pay the amount of Rs.1,00,000/- and he has also taken Demand Draft in the name of the defacto complainant and thereby seeks to grant anticipatory bail.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner along with other accused have collected Rs.3,52,000/- from the defacto complainant on the assurance of providing gold coins and cheated her. He would further submit that earlier anticipatory bail petition filed by the petitioner was dismissed by this Court on the ground that he did not comply with the order dated passed by this Court in Crl.O.P.No.6235 of 2023.

5.The learned counsel for the intervenor would submit that she has received an amount of Rs.1,00,000/- by way of Demand Draft.

6.Having heard the learned counsel for the petitioner, intervenor and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant



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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 the learned XVII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence 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



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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.

10.12.2024

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