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Crl.O.P.No.28079 of 2023

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and Crl.M.P.No.19970 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A1 seeks anticipatory bail in Crime No.289 of 2023 registered by the respondent Police for the offences punishable under Sections 403, 406, 420 and 120-B of IPC.

2. It is stated that A2 and A3 who are spouses had been arrested. It is the case of the prosecution that all the accused had collected a sum of Rs.15/- lakhs from the defacto complainant and had not returned back the same. It was for the purpose of construction. Let me not enter into further details.

3. The learned counsel for the petitioner had come forward to deposit Rs.5/- lakhs to the credit of Crime No.289 of 2023. In view of the bona fide expressed, this Court is inclined to grant anticipatory bail to the petitioner, but however, directing the petitioner to deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)** on or before 22.03.2024 as non-refundable deposit to the credit of Crime No.289 of 2023, before the



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Metropolitan Magistrate No.XIII, Egmore, Chennai. The said amount may be handed over by the Metropolitan Magistrate No.XIII, Egmore, Chennai to the defacto complainant.

4. It is made clear that by such deposit there is no admission of the offences as alleged by the third accused. It is also made clear that the defacto complainant is at liberty to seek any further claim for damages or compensation and if so claimed, this amount can be adjusted.

5. Accordingly, the petitioner is 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 **XIII Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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 report before the respondent police everyday 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6.Consequently, connected miscellaneous petition is ordered.

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