



Crl.O.P.No.30455 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.525 of 2022 registered for the offence punishable under Section 420 of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioners along with the 1st petitioner's husband, met the defacto complainant on 19.04.2019. They informed him that they would bring clothes for quality checking. After completing the quality check, they assured the defacto complainant that the clothes would be sold for a good price. As per an oral agreement, the defacto complainant purchased the clothes for Rs.16 per Kg, and it was assured that the petitioners would purchase the same for Rs.22 per Kg from the defacto complainant. On 08.04.2019, the defacto complainant paid a sum of Rs.1,00,000/- for which, on 27.04.2019, the petitioners sent materials worth Rs.1,68,000/- and further on 25.04.2019, the defacto complainant sent materials to the petitioners worth Rs.1,62,540/-. This amount was debited from the earlier transaction. Thereafter, on 02.05.2019, clothes worth Rs.1,26,727/- and on 10.05.2019, clothes worth Rs.1,43,058/- were sent to the petitioners. On 15.05.2019, for purchase of waste clothes, worth Rs.4,00,000/- has been paid to



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the petitioners from the account of the defacto complainant's brother. Further, on 21.05.2019, clothes worth Rs.9630 and on 06.06.2019, clothes worth Rs.3,56,040/- were sent to the petitioners. However, as per the oral agreement, the petitioners did not return either the money or the clothes to the defacto complainant. Later, on three occasions, the petitioners paid a sum of Rs.30,000/- to the defacto complainant. By failing to repay the remaining amount, the petitioners have cheated the defacto complainant. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court. He would submit that, a case of business transaction has been projected as a case of cheating. He would submit that, the petitioners were issued with 41-A notice and the petitioners have appeared before the respondent police for enquiry. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

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, would submit that, the petitioners received the goods from the defacto complainant worth about Rs.12,97,000/-, out of which, a sum



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of Rs.4,00,000/- has been paid by the petitioners, balance amount of

Rs.8,97,000/- has not been paid.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Avinashi**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen 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, on 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

09.12.2024

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