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Crl.OP.Nos.29233 and 23628 of 2023

Crl.O.P.Nos.29233 and 23628 of 2023

and

Crl.MP.No.17965 of 2023

C.V.KARTHIKEYAN,J.

A1 has filed Crl.OP.No.29233 of 2023 and A2 has filed Crl.OP.No.23628 of 2023, both in Cr.No.245 of 2023 registered by the respondent police for the offences punishable under Sections 406 and 420 of IPC.

2. The petitioners are spouses. They had got acquaintance with one Sathiyavel and through him to the defacto complainant. It is stated that A1 was running a cashewnut business and there was a proposal to start further partnership with the defacto complainant and Sathiyavel and the first accused. In this connection, the case of the defacto complainant is that a sum of Rs.25,00,000/- had been advanced for that particular purpose.



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3. On the other hand, it is also contended by the first accused that towards the partnership, he had paid a sum of Rs.56,00,000/- .

4. In the meanwhile, it is also alleged that blank signed cheques were obtained from the defacto complainant and Sathiyavel had taken advantage of the same and a case has been filed under Section 138 of N.I.Act which is also pending.

5. Taking all those factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are 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 *learned Judicial Magistrate, Thiruvottiyur, Chennai* on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like sum to the



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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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner/A1 in Crl.OP.No.29233 of 2023 shall deposit a sum of Rs.5,00,000/- on or before 23.02.2023 to the credit of Cr.No.245 of 2023 and on such deposit, the learned Judicial Magistrate, Thiruvottiyur, Chennai may transfer the said amount into fixed deposit and pass final orders on conclusion of trial.

[c] the petitioner/A1 shall report before the respondent police everyday at 10.30 a.m., till 28.02.2024 and the petitioner/A2 shall report before the respondent on every Saturday at 10.30 a.m., for a period of six weeks.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Consequently, the connected miscellaneous petition is closed.

24.01.2024

Vv



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Vv

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