



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1575 of 2022

P.Lalli

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
G - 5, Secretariat Colony police Station,
Chennai.

(Crime No.5 of 2022

... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to grant anticipatory bail to the petitioner in the event of
his arrest by the respondent police in Cr.No. 5 of 2022 now pending
investigation on the file of the respondent police.

For Petitioner : Mr.D.Abdul Sudhan

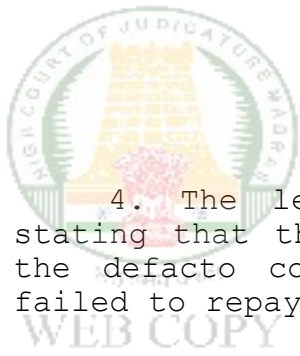
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 406 of IPC in Crime No.5 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner borrowed a sum of Rs.17,00,000/- from the defacto complainant on various occasion. He repaid only 1,80,000/- and failed to repay the remaining amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor raised objection stating that the petitioner borrowed a sum of Rs.17,00,000/- from the defacto complainant and only paid a sum of Rs.1,80,000/- and failed to repay the remaining amount.

5. Considering the facts and circumstances of the case and the the submissions made by both counsel and also considering the fact that it is purely a money dispute , this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate No.II, Egmore, on condition that the petitioner shall execute a e 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 Court concerned 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 as and when requires for interrogation;

[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 has been imposed and the petitioner is 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]; and;



[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

WEB COPY

-sd/-
25/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.II, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.SYED NIZAMUDDIN AHMED HUSS Advocate on payment of necessary charges

CRL OP.1575/2022

Date :25/01/2022

JPA 09/02/2022