



Crl.O.P.No.5569 of 2022

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Dr.G.JAYACHANDRAN, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.60 of 2021 is before this Court seeking anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed money from the defacto complainant to meet out his business expenses and even after several requests, the petitioner did not pay the money to the defacto complainant and hence, he cheated the defacto complainant. Hence, this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.First Information Report indicates that it is purely money transaction between the petitioner and the defacto complainant. Due to default in payment of loan amount, the complaint has been given as if the



Crl.O.P.No.5569 of 2022

petitioner herein has cheated the defacto complainant.

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5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.1, Tiruvallur**, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 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 **Investigation Officer as and when required for**



Crl.O.P.No.5569 of 2022

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 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Crl.O.P.No.5569 of 2022

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