



Crl.O.P.No.15763 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) of IPC, in Crime No.164 of 2022 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant one Vimal lodged a complaint before the respondent police that, on the last year, the petitioner purchased black stone and jalli for Rs.10,00,000/- for his construction work and in order to complete the transaction, the petitioner presented a cheque for Rs.8,00,000/- drawn on HDFC Bank, Kandanchavadi branch. The said cheque was deposited in their Bank Karur Vysya Bank, at Tambaram Branch, which was returned as insufficient funds. Hence, this complaint.



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3. The learned counsel appearing for the petitioner submitted that this case is purely Section 138 of Negotiable Instruments Act and the petitioner had completed the transaction before three years. He further submitted that he is an innocent person and he has not been committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner purchased black stones and jallis from the de-facto complainant and failed to pay the said amount and cheated the de-facto complainant. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the petitioner is having business transaction with the de-facto complainant and after purchase of blue metals, he failed to repay the said amount to the defacto complainant.



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6. Considering the facts and circumstances of the case and also taking note of the fact that the custodial interrogation of the petitioner is not require in this case therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tambaram, on condition that the petitioner shall execute separate 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police daily at morning 10.30 A.M., for a period of two weeks and thereafter as and when required 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 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]**.

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

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