



Crl.O.P.No.15624 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.75 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused borrowed a sum of Rs.30,00,000/- from the defacto complainant for making cinema and assured her that they will return the amount in double. Thereafter, the petitioner and other accused refused to return the money to the defacto complainant and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant anticipatory bail to the petitioner.



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4. The learned counsel for the Intervener would submit that the said money was entrusted with the petitioner and other accused persons to make a film. Thereafter, she was cheated by the petitioner and other accused.

5. The learned Additional Public Prosecutor would submit that the petitioner and other accused borrowed a sum of Rs.30,00,000/- from the defacto complainant and failed to return the same, thereby cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. It is seen that the money transaction between the petitioner and the defacto complainant was in the year 2017. Whereas, the first accused also lodged a complaint as against the second accused and the same was registered in Crime No.591 of 2018 for the offence under Section 420 of IPC. It revealed that there was money transaction to purchase some property. However, the entire transaction took place in the year 2017. In



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fact, the present FIR has been registered on the direction issued by the Court below under Section 156(3) Cr.P.C.

7. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 XVIII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioner shall execute a 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:



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[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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and also co-operate for interrogation as and when required.

[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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