



Crl.O.P.No.16301 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC in Crime No.215 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant on 16.03.2022 paid substantial amount of Rs.17,00,000/- to one, Siva /A1 for doing business. On 16.03.2022, the said amount was transferred to the petitioner's account. Thereafter, the complainant demanded the same from A1 and the petitioner, for which they refused to refund the amount and also threatened the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner never received amount from the defacto complainant. In fact, A1 borrowed more than Rs.20,00,000/- from the petitioner and his friends. Since A1 did not refund the entire amount, on 23.03.2022 the petitioner lodged a complaint before the Central Crime Branch, Tuticorin.



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Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when the defacto complainant demanded the money from A1 and the petitioner, they not only refused to refund the amount but also threatened the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The petitioner borrowed a sum of Rs.17,00,000/- from the defacto complainant and assured that he will repay the amount with interest. However, the petitioner failed to repay the said amount. The learned counsel for the defacto complainant submitted that the entire amount was transferred through bank in favour of the petitioner. However, he failed to repay the amount. He further submitted that the petitioner also assured that the amount will be invested in the business of coal and profit will be shared between the petitioner and the defacto complainant. However, the petitioner failed to share any profit with the defacto complainant.



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6. Though the learned counsel for the defacto complainant stated that the petitioner assured to share the profit from the business, there is no document produced before this Court to prove the same. Therefore, it is only money transaction between the petitioner and the defacto complainant and it is civil in nature. Therefore, the custodial interrogation of the petitioner does not require in this case and 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 IX Metropolitan Magistrate Court, Saidapet, Chennai 600 015, 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



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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.

[b] the petitioner shall report before the respondent police daily at 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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