



Crl.O.P.Nos.17939 & 17940 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.181 of 2022, seek anticipatory bail.

2. The case of the prosecution is that one Dilli Rani lent money to the petitioners daughter and she failed to repay the same and allegedly cheated her. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they are no way connected with the alleged offence. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioners approached the defacto complainant to arrange loan. Believing his words the defacto complainant paid some part of amount by way of cash and bank transfer and the petitioners failed to repay the same and



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cheated the defacto complainant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are three accused in this case, in which the petitioners are arrayed to A1 to A3. According to the case of the prosecution the petitioners received a sum of Rs.28,40,000/- to avail loan. Thereafter, they failed to avail any loan and also failed to repay the said amount. On a perusal of the records, it revealed that the petitioners lodged complaint as against the defacto complainant as if some of the cheques and documents were stolen by him. Further, the first accused also filed suit in O.S.No.6653 of 2018 on the file of the Ist Assistant City Civil Court, Chennai, and the same was decreed in her favour thereby directed the defacto complainant to return the cheques.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned V-Metropolitan Magistrate, Egmore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall appear before the respondent police daily as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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