



Crl.O.P.No. 17667 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, 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. 31 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner received a sum of Rs.7,18,470/- from the defacto complainant, to avail loan to the tune of Rs.5 Crores. Thereafter, the petitioner neither availed loan nor returned the money to the defacto complainant, thereby cheated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on the pretext of availing loan to the tune of Rs.5 Crores, the petitioner herein received a sum of Rs.7,18,470/- from the defacto complainant.



Thereafter, he failed to avail loan and also failed to return the money to the defacto complainant. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. It is seen that on the pretext of availing loan, the petitioner who is a friend of the defacto complainant, received a sum of Rs.7,18,470/- to avail loan to the tune of Rs.5 Crores. However, the petitioner failed to avail loan and also refused to return the said amount. While pending the crime, the petitioner returned a sum of Rs.2,50,000/- to the defacto complainant.

6. Considering the above fact 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.

7. Accordingly, the petitioner shall pay a sum of **Rs.2,50,000/-** (Rupees Two Lakhs Fifty Thousand only) directly to the defacto complainant by way of a Demand Draft, within a period of two weeks from the date of receipt of a copy of this order and on receipt of acknowledgement for the same, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of



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fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Tittagudi, 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:

[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 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]**.



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

28.07.2022

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