



Crl.O.P.No.21589 of 2022

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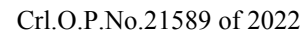
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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.140 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Ajmal Banu is that the accused had induced her and taken loan of Rs.10,00,000/- from her and cheated her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that petitioner is an innocent person and a case of money transaction between the parties has been projected as case of cheating and even reading of the First Information Report would show that it is a case of loan transaction. He would further submit that the petitioner had actually received Rs.5,00,000/- only and without prejudice, the petitioner is ready to deposit a sum of Rs.5,00,000/- to the credit of the crime number to show



4. The learned Government Advocate appearing for the respondent would submit that the petitioner induced the *de-facto* complainant and taken an amount of Rs.10,00,000/- and later cheated her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Mr.Raguraj, the learned counsel for the intervenor would submit that the petitioner taking advantage of the fact that the *de-facto* complainant is a lady, had induced her and taken an amount of Rs.10,00,000/- and cheated her. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Taking note of the facts and submissions, and also the fact that without prejudice the petitioner has volunteered to deposit a sum of Rs.5,00,000/- to the credit of crime No.140 of 2022 to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.140 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Metropolitan Magistrate No-I, Mayiladuthurai**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.140 of 2022, before the concerned Magistrate, within a period of four weeks from the date on



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which the order copy made ready. The learned Magistrate within 2 weeks of such deposit being made shall redeposit the same in any fixed deposit scheme of any Nationalized bank so that it accrues interest

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

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

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