



Crl.O.P.No.22833 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 468, 471, 420, 34 IPC in Crime No.0177 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused, by misusing the lost cheque of the defacto complainant had presented it for collection and attempted to cheat the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the defacto complainant and her husband are partners in a battery business. The petitioner's brother is also doing the very same business. While that being so, on 20.12.2021, the defacto complainant had taken a loan of Rs.5,00,000/- from the petitioner's brother and towards security, they had executed a pro-note and also towards additional security issued a post-dated cheque. However, they did not return the loan as promised and in order to delay/evade payment, the defacto complainant has given a false



complaint as if her cheque has been lost and it was misused by the petitioner. However, the fact remains that the defacto complainant has also executed a pro-note towards the loan and an enquiry was conducted and the petitioner, on being summoned by the respondent appeared before the respondent for enquiry and also produced the documents relating to the loan transaction. However, for reasons unknown, the respondent has registered a case. He would further submit that only in order to evade the payment, a false complaint has been given as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. Mr.M.Balamurugane, learned Public Prosecutor, Puducherry appearing for the respondent would submit that the petitioner has misused the lost cheque of the defacto complainant and he had attempted to present the same for collection. However, since the defacto complainant had given a complaint to the Bank Manager, the payment was stopped by the bank. Hence, he opposed to grant of anticipatory bail to the petitioner.

5. Mr.B.Sathish Sundar, learned counsel appearing for the defacto complainant would submit that the cheque of the defacto



complainant was lost and the petitioner has attempted to misuse the same by filing an amount of Rs.3,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Chief Judicial Magistrate, Puducherry 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



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identity.

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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