



Crl.O.P.No.22223 of 2022

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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 Sections 406 and 420 of IPC in Crime No.519 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had borrowed an amount of Rs.7 lakhs by inducement and had executed a pronote and had agreed to return the money within six months. When the defacto complainant asked for return of money, he refused to repay the same. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that a case of financial dispute has been falsely projected as a case of cheating. He would further submit that even as per the complaint, the loan is secured by post paided cheque and pronotes and without approaching the proper forum, the defacto complainant is now attempting to pressurize through police and recover the money by threat of arrest.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners induced the defacto complainant and received a sum of Rs.7 laksh as loan and later refused to return the money. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard both the learned counsels and perused the materials available on record.

6.Taking into consideration the facts and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 the learned V Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty



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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 report before the respondent Police daily at 10.30 a.m., until further orders.

[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



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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;

15.09.2022

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