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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 380 and 420 IPC in Crime No.157 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have stolen the blank cheque belonging to the defacto complainant and filled it for Rs.25,00,000/- and attempted to cheat the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant's mother were members of a trust and by using that acquittance, the defacto complainant had borrowed an amount of Rs.25,00,000/- from the petitioners and towards repayment, he issued a cheque drawn on Canara Bank. Thereafter, the petitioners had presented the same for collection and it was not returned on account of payment being stopped. Therefore, the petitioners issued a legal notice to the defacto complainant under Section 138 of the Negotiable Instruments Act, dated 20.07.2022. Immediately, the defacto

complainant, to prevent the petitioners from taking further action, gave a false complaint on 21.07.2022. He would further submit that the complaint has been given only to make out the case of defence in 138 proceedings. He would also submit that the petitioners were called for enquiry and they have also appeared for the enquiry. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners had committed theft of a blank cheque belong to the defacto complainant and attempted to cheat him by presenting the cheque for collection. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 XIV Metropolitan Magistrate, Egmore, Chennai-8 on condition that the petitioners shall execute a separate 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 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 report before the respondent police daily at 10.30 a.m for a period one week and thereafter on every Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or trial.

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

26.10.2022

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