



CrI.O.P.No.24729 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 505(ii) & 506(i) of IPC in Crime No.570 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Regi Kumar is that he had borrowed a sum of Rs.2,80,000/- from the A1/Jeevarathinam during October 2021 and that he had re-paid the principal along with the interest. While so, the accused without the knowledge of the *de-facto* complainant and *de-facto* complainant's daughter had taken the cheque and had presented it for collection and also filed a case. Subsequently, the said Jeevarathinam, one Kavitha/A2 and her husband Mohan/A3 had threatened the *de-facto* complainant seeking for return of money. While so, the accused have printed the posters by making allegations and showing the photograph of the *de-facto* complainant's daughter and his son-in-law and pasted it in and



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around the area and had spoiled their reputation. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that a false complaint has been given by the *de-facto* complainant to evade the payment of money. He would admit that the *de-facto* complainant had earlier borrowed a sum of Rs.2,80,000/- from the petitioner and she has not re-paid the amount to the petitioner. Based on the cheque given by her daughter as a security, he has filed a complaint against the daughter of the *de-facto* complainant before the Judicial Magistrate Court, Chengalpet and it is yet to be numbered. The *de-facto* complainant apart from borrowing & evading payment to the petitioner, she has also borrowed money from several other persons & not made payments and the probability of someone else having struck the poster is also there. Based on the complaint filed by the *de-facto* complainant, the petitioner was called for enquiry, where he was threatened to go for a settlement with the *de-facto* complainant. While so, A2 & A3 have been arrested and remanded to judicial custody, the petitioner had also issued notice to the police in respect of the harassment



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meted out to him in the Police Station and there was no reply from the police. He would further submit that the *de-facto* complainant has also not replied to the notice under Section 138 A of Negotiable Instruments Act and only now, in order to evade the payment, the present complaint has been filed. He would reiterate that the *de-facto* complainant had also borrowed money from several other persons & evading repayment and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to a money dispute between the petitioner and the *de-facto* complainant, the petitioner along with two other accused have pasted the posters containing the photographs of the *de-facto* complainant's daughter and son-in-law stating that they are the cheque fraud couple and thereby attempted to spoil their reputation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the petitioner gave a loan of Rs.2,80,000/- during the month of October 2021



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to the *de-facto* complainant. The *de-facto* complainant had re-paid the entire amount whereas based on the cheque, which has been stolen from the *de-facto* complainant, the petitioner had filed a complaint under Section 138 of Negotiable Instruments Act. Subsequently, the petitioner and the other two accused have threatened the *de-facto* complainant and they have also pasted posters of her daughter and son-in-law in and around their area by making allegations and spoiled their reputation. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel. Perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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**



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Judicial Magistrate 1 Tambarami, 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 report before the respondent police everyday 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.



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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 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.

11.11.2022

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