



WEB COPY



Crl.O.P.No.26010 of 2022

Crl.O.P.No.26010 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 467, 468, 469 & 471 of IPC in Crime No.265 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Soudhamini is that he is an entrepreneur and Director of School of Seamanship and Nautical Technology. Further, the allegation is that he is having an account with the Indian Overseas Bank, Polambakkam branch. Later, finding that some of his cheques were missing from his office, he issued instructions to stop payment from the bank. While being so, the accused attempted to withdraw the money by misusing the stolen cheque. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person. He would further submit that the



Crl.O.P.No.26010 of 2022

petitioner is a building contractor and when he had asked for loan from one Officer Venkatesan, the said Venkatesan had handed over the cheque to him. He conceded on the information that the cheque was issued by one Aravindan, who is the son-in-law of the Soudhamini/*de-facto* complainant and genuinely believing that, the petitioner had presented the cheque for collection. Other than this, the petitioner doesn't know anything about the theft of cheque. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner attempted to encash the stolen cheque of the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.26010 of 2022

WEB COPY

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 XIII th Metropolitan Magistrate, Egmore, Chennai**, 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. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



WEB COPY



Crl.O.P.No.26010 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

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

28.10.2022

mpl

Crl.O.P.No.26010 of 2022