



Crl.O.P.No.26792 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 offence punishable under Sections 406 and 420 of IPC in Crime .No.647 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Amjath Ali is that the the petitioner has illegally swiped the ATM Card of the de facto complainant and had withdrawn an amount of Rs.3,00,000/- from his account. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and the de facto complainant is his friend, on the instruction of the de facto complainant, the petitioner swiped the ATM Card and thereafter 50% of the amount was given to the de facto complainant and the remaining amount was given as a hand loan to the petitioner. He would further submit that the petitioner has already paid more than Rs.60,000/- and the petitioner without prejudice is ready and willing to deposit a sum of Rs.1,25,000/- to the credit of crime No.647 of



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2022 and he has no objection in the amount being released to the de facto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was working as a staff in Poorvika Mobiles, VR Mall, Chennai, he had misused the ATM Card of the de facto complainant and withdrawn an amount of Rs.3,00,000/- from the de facto complainant's account. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions of both sides and also the undertaking given by the petitioner that without prejudice he is ready and willing to pay a sum of Rs.1,25,000/- to the credit of Crime No.647 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, **the petitioner is directed to deposit a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) to the credit of Crime No.647 of 2022**, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before **the learned V Metropolitan Magistrate, Egmore** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 deposit a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five thousand only) to the credit of Crime No.647 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready. The amount shall be



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paid to the de facto complainant subject to filing of the petition and proof. If the amount is not deposited within four weeks, the anticipatory bail order shall automatically stand lapsed/dismissed.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]***.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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