



Crl.O.P.No.27534 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 406, 420, 294(b) and 506(i) of IPC in Crime No.97 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Kala is that A1 in this case one Prakash, S/o.Dhamotharan had borrowed a sum of Rs.8,50,000/- from her and Rs.2,00,000/- from one Prabu and later absconded. Later, A1 was traced at his uncle's residence at Bangalore. When the *de-facto* complainant enquired A1's uncle, the petitioner herein, had undertaken to settle the amount and based on that, the *de-facto* complainant had given some time. Further allegation is that when the *de-facto* complainant and others have asked for the amount, the petitioner had abused them in a filthy language. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is the paternal uncle of A1. He would also submit that without the



knowledge of the petitioner, A1 while he was working as a Manager in Indian Overseas Bank, Tiruvallur had taken loans from several persons and thereafter, he had gone to Bangalore and settled in petitioner's house. Further, he would submit that other than this, the petitioner has nothing to do with the alleged borrowal and the relationship between A1 and the de-facto complainant. Now, in order to recover the money given to A1, the petitioner has been falsely implicated in this case. He would also submit that A1 has been arrested and enlarged on bail. Even as per the averments in the complaint, the allegation made against the petitioner is that he had undertaken to repay the amount on behalf of A1 and there is no allegation as against the petitioner as if he had cheated the *de-facto* complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the uncle of the main accused (A1), who had borrowed money from several persons and cheated them. He would also submit that the petitioner being the uncle of A1 had given an assurance to settle the loan and later, had refused to do so. When it was questioned by the *de-facto* complainant, the petitioner had abused her in a



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filthy language. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsels and perused the materials available on record including the FIR. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate No.I, Thiruvallur**, 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.



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[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.

[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.

18.11.2022

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