



CrI.O.P.No.27529 of 2022

CrI.O.P.No.27529 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406 and 420 of IPC in Crime No. 428 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner under the false promise of marrying the defacto complainant requested her to arrange a sum of Rs.6 lakhs as bank loan from HDFC bank. Thereafter, the petitioner neither returned the amount nor repaid the loan dues to the bank. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are known to each other and the case of financial dispute has been falsely projected as a case of cheating. He would submit that without prejudice, the petitioner is willing to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Crime No. 428 of 2022, and he has no objection in the amount being returned to the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the defacto complainant had arranged a loan amount of Rs.6 lakhs for petitioner's medical expenses. Thereafter, he failed to repay and cheated the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.2,00,000 (Rupees Two lakhs only) to the credit of Crime No. 428 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. However, it is made clear that the defacto complainant is entitled to withdraw the amount deposited to the credit of Crime No. 428 of 2022.

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 I, Tambaram 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 10.30am., 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



Crl.O.P.No.27529 of 2022

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.

14.11.2022

nr

Crl.O.P.No.27529 of 2022