



Crl.O.P.Nos.27647 & 28063 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4 of Tamil Nadu Prohibition Charging Interest Act and Sections 454 and 380 of IPC in Crime No.673 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Umasankar is that he had borrowed an amount of Rs.2,80,000/- from the accused, after giving three blank cheques and two blank pro-notes as security. Totally, he had borrowed a sum of Rs.4,70,000/-. He had repaid an amount of Rs.4,82,000/- whereas the accused had come to his office and had taken his office seal without his knowledge and by fixing the seal in the cheque given to him and taken an amount of Rs.8 laksh from the Bank account. Hence the complaint.

3.The learned counsel for the petitioner in Crl.O.P.No.27647 of



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2022 would submit that the petitioner is an innocent person and a false complaint has been given due to money dispute. He would submit that the petitioner is engaged in the business of selling 2nd hand vehicles and that the defacto complainant is known to him and the petitioner on various dates had received an amount totalling to Rs.8 lakhs and towards security, had executed pro-notes and postdated cheque and thereafter, in order to evade payment, a false complaint has been given against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the petitioner in Crl.O.P.No.28063 of 2022 would submit that the petitioner is friend of A1 and the allegation against the petitioner is that he had accompanied with main accused, other than that he has nothing to do with the financial dealing between A1 and the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that the



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petitioners have given an amount of Rs.4 lakhs as a loan to the defacto complainant and they have taken blank cheques and pro-notes as security and thereafter, they have committed theft of seals from the office of the defacto complainant and misused the cheques given to them. Hence, he opposed for grant of anticipatory bail to the petitioners.

6.The learned counsel for the intervenor/defacto complainant would submit that the loan taken by the defacto complainant is only Rs.4 lakhs, but the petitioners were taken an amount of Rs.8 lakhs from the account of the defacto complainant by misusing the cheques. Hence, he opposed for grant of anticipatory bail to the petitioners.

7.At this juncture, the learned counsel for the petitioner/A1 would submit that the petitioner has not misused the cheques and he has only one blank cheque and one blank pro-note which has been given as security and he undertakes that he will not file any claim based on the pro-note and cheque and even today also, he is ready to hand over one pro-note and one cheque to the respondent and he is also ready to file an



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affidavit of undertaking to the same. Hence, he prays for grant of anticipatory bail to the petitioner.

8.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record including the First Information Report.

9.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the affidavit of undertaking given by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Namakkal on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees



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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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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