



Crl.O.P.No.28537 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, 420 and 506(ii) IPC in Crime No.726 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Boobalan is that one Rukmani/A1 is a known person to him for the past several years and she is running Vegetable business at Tambaram Market. She had borrowed a sum of Rs.10,00,000/- as hand loan from the defacto complainant for her business purpose. The defacto complainant had given the said amount through a cheque and also given a further amount of Rs.1,00,000/- by cash and when the defacto complainant asked for return of money it was found that the said Rukmani had vacated the shop. Thereafter, when the defacto complainant found the house of the said Rukmani, went there and demanded for return of money the petitioner along with other accused, threatened him by refusing to pay the said amount. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the complaint the allegation made against the petitioner is that the said Rukamani was a tenant under the petitioner and she vacated the shop without knowledge of the petitioner. While being so, a false complaint has been given as if the petitioner threatened the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is the owner of the shop where one Rukmani running a Vegetable shop. The said Rukmani borrowed a sum of Rs.10 lakhs and she had absconded. When the defacto complainant gone in search of said Rukmani, the petitioner along with other accused threatened the defacto complainant. He would further submit that the case has been registered on the direction issued by the learned Judicial Magistrate under Section 156(3) Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. The learned counsel for the intervenor would submit that the petitioner is the owner of the shop and when the defacto complainant enquired about the availability of advance amount paid by the said Rukmani, he agreed to return the advance amount which he owes to said Rukmani. On 20.07.2022, when the defacto complainant went to the New Market at Tambaram, the accused threatened the defacto complainant.

6. Heard the learned counsel and perused the materials available on record.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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



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Judicial Magistrate Court No.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 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 daily 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



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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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