



Crl.O.P.No.29334 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 offences punishable under Sections 406 and 420 of IPC in Crime No.459 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nagarajan, Manager, Corporate Claims at Billroth Hospital is that, accused was appointed as Creative Consultant in the hospital. The allegation is that there was several business transactions between the petitioner and the hospital. Believing the words of the accused, the hospital had given free treatment to the family members and associates of the petitioner. The further allegation is that the petitioner had received a sum of Rs. 49 lakhs in the course of the business and thereby cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that petitioner is a very close friend of the defacto complainant. He would further submit



Crl.O.P.No.29334 of 2022

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that there was some misunderstanding, the petitioner had come out of the company and thereafter the manager of the company had called to his office, wherein the petitioner was threatened by the defacto complainant and the petitioner was also made to sign some empty stamp papers and certain other documents. Immediately, the petitioner after coming out of the hospital had preferred complaint before the respondent police on 11.10.2022. Further, the petitioner has also filed a suit in O.S.No.7854 of 2022 on the file of the Learned City Civil Judge, Chennai. Hence he seeks to grant anticipatory bail in respect of the petitioner.

4. The learned Additional Public Prosecutor would submit that, the petitioner was employed as creative consultant in the Bilroth Hospital. During the course of the business, the petitioner had availed medical facilities for his friends and relatives and also cheated the defacto complainant to the tune of Rs. 49 lakhs. Hence, the case.

5. Taking into consideration of the facts and submission, this Court is inclined to grant Anticipatory Bail with certain conditions.



CrI.O.P.No.29334 of 2022

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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 VIth Metropolitan Magistrate, at Egmore, Chennai on condition that the each of the petitioner shall execute a separate 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 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.



Crl.O.P.No.29334 of 2022

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.11.2022

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Crl.O.P.No.29334 of 2022

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Crl.O.P.No.29334 of 2022

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